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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO.

THIRD SESSION.

BEGUN AT GOLDEN CITY, ON THE 1ST DAY OF FEBRUARY, 1864.
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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY OF COLORADO

THIRD SESSION.

MONDAY, FEBRUARY 1st, 1864.

At the third session of the Legislative Assembly of the Territory of Colorado,

The House of Representatives met at Golden City, the seat of government of said Territory, on Monday, the 1st day of February, A. D. 1864, pursuant to law.

There were present the following gentlemen, members elect, to wit:

Messrs. D. A. Chever, J. A. Koontz, J. H. Eames, David Ripley, James Kelley, L. D. Judd, J. B. Chaffee, Alvin Marsh, E. F. Holland, J. E. Leeper, M. C. White, J. T. Lynch, Henry H. Henson, Joel Wood, J. McCannon, Pablo Ortega, Victor Garcia, N. W. Welton, L. D. Webster, and A. Z. Sheldon; in all twenty members.

The House was called to order by Wm. Train Muir, clerk of the House of the second session of the Legislative Assembly of the Territory of Colorado.

On motion of Mr. Chaffee,

M. C. White was appointed Speaker, *pro tem.*

Also,

On motion of Mr. Chaffee,

A. Z. Sheldon was appointed Clerk, *pro tem.*

On motion of Mr. Chaffee,

The Speaker, *pro tem.*, appointed J. B. Chaffee, J. T. Lynch and Alvin Marsh as committee on credentials.

On motion,

The House took a recess for half an hour.

House again called to order.

Speaker, *pro tem.*, in the chair.

Whereupon,

The committee on credentials, through their chairman, Mr. Chaffee, made the following report:

MR. SPEAKER: Your committee appointed on credentials would beg leave to make the following report of the names of members elected and present, and entitled to be sworn in as members of this Legislative Assembly:

1st	District,	D. A. Chever,
2d	"	J. A. Koontz, J. H. Eames.
3d	"	David Ripley.
4th	"	James Kelley.
5th	"	L. D. Judd.
6th	"	J. B. Chaffee, Alvin Marsh.
7th	"	E. F. Holland, J. E. Leeper.
8th	"	M. C. White, J. T. Lynch.
9th	"	Henry H. Henson.
10th	"	Joel Wood, J. McCannon.
11th	"	Pablo Ortega, V. Garcia.
12th	"	N. W. Welton.
13th	"	L. D. Webster.
14th	"	A. Z. Sheldon.

J. B. CHAFFEE, Ch'n,
A. MARSH,
JOHN T. LYNCH.

On motion of J. A. Koontz,

The report was received and Adopted.

On motion of Mr. Chaffee,

The following resolution was adopted:

Resolved, That the Judges of the Supreme Court, members of the Executive Department, Attorney General, the Colonel commanding this district, ex-members of the previous Legislature of this Territory, and newspaper reporters, be invited to seats on the floor of this House.

The oath was then administered to the members of the House, by the Hon. Stephen S. Harding, Chief Justice of the Supreme Court of the Territory of Colorado.

The House then adjourned until 10 o'clock a. m. to-morrow.

TUESDAY, FEBRUARY 2d, 1864.

House met at 10 o'clock a. m., pursuent to adjournment.

The Speaker, *pro tem.*, in the chair.

Roll called.

There being a quorum present,

The journal of the previous day was

Read and approved.

Mr. Marsh moved

That the House do now proceed to elect a Speaker.

Carried.

Mr. Judd moved

That the vote be taken by calling the roll.

Lost.

Mr. Lynch moved

The vote be taken by ballot, which was

Carried.

J. B. Chaffee was nominated by Mr. Henson.

Moved, by Mr. Lynch,

That the first ballot be an informal one.

Carried.

Messrs. Marsh and Koontz were appointed tellers.

The first informal ballot resulted as follows:

J. B. Chaffee received 9 votes,

E. F. Holland received 4 votes,

M. C. White received 3 votes,

H. H. Henson received 1 vote,

James Kelley received 1 vote,

Blank received 2 votes.

Whole number of votes, 20.

On motion of Mr. Marsh,

The House proceeded to a formal ballot, which resulted as follows:

Whole number of votes cast, 20.

Necessary to a choice, 11.

J. B. Chaffee, 14; E. F. Holland, 3; A. Marsh, 1; H. H. Henson, 1; J. Kelley, 1.

Mr. Chaffee having received a majority of all the votes cast, was declared duly elected permanent Speaker of this House.

Mr. Ripley moved

That the election of Speaker be considered unanimous.

Carried.

Mr. Ripley moved

A committee of two be appointed to conduct the Speaker elect to the chair.

Messrs. Ripley and Lynch were appointed such committee.

The Speaker having taken the chair, after making some appropriate remarks announced the next regular order of business the election of a chief clerk.

On motion of Mr. Marsh,

A vote of thanks was tendered by the House to the Speaker *pro tem.*, for the able manner in which he had presided over the deliberations of the House during its organization.

On motion of Mr. Lynch,

The House then proceeded to an informal ballot for chief clerk.

B. B. Stiles was nominated by Mr. Marsh.

The vote resulted as follows:

Whole number of votes, 20.

B. B. Stiles received 15 votes,

L. L. Robinson received 1 vote,

John Walker received 3 votes,

J. McMillon received 1 vote.

Moved by Mr. Ripley,

That the House do now proceed to the first formal ballot for chief clerk.

Carried.

The first formal ballot resulted as follows:

Whole number of votes, 19.

Necessary to a choice, 10.

B. B. Stiles received 18 votes,

John Walker received 1 vote, and,

On motion of Mr. Ripley,

The election of B. B. Stiles was made unanimous.

Mr. Stiles came forward and took the oath required.

On motion of Mr. White,

The House proceeded to an informal ballot for assistant clerk.

Mr. Leeper nominated L. L. Robinson.

Mr. Judd nominated John Walker.

The first informal ballot resulted as follows:

Whole number of votes cast, 20.

Necessary for a choice, 11.

L. L. Robinson received 16 votes,

John Walker received 4 votes, and

On motion,

The House proceeded to a formal ballot, which resulted as follows:

Whole number of votes, 20.

L. L. Robinson received 16 votes.

John Walker received 4 votes,

Mr. Ripley moved the election of Mr. Robinson be made unanimous.

Carried.

Mr. Robinson came forward and took the oath required.

On motion of Mr. Judd,

The House proceeded to an informal ballot for sergeant-at-arms.

Mr. Koontz nominated R. Sopris, and

Moved that the first vote be an informal one.

Carried.

The first informal ballot resulted as follows:

Whole number of votes cast, 20.

Necessary to a choice, 11.

R. Sopris received 19 votes,

J. K. Howard received 1 vote.

Mr. Koontz moved that the House proceed to a formal ballot for sergeant-at-arms.

Carried.

The first formal ballot was as follows:

R. Sopris received 18 votes,

J. K. Howard received 2 votes.

R. Sopris having received a majority of all the votes cast, was declared duly elected, and,

On motion,

The election of R. Sopris was declared unanimous, and he took the required oath.

A verbal communication was received by a committee from the Council, that that body had effected an organization, and had adjourned until 2 o'clock p. m. to-morrow, at which time they would be ready to receive any communications from the House.

Communication received.

J. B. Stansell, member elect from the 9th district, appeared upon the floor of the House, and

Upon a favorable report from the committee on credentials,

On motion of Mr. Henson,

Was sworn in, and took his seat as a member of the House.

Mr. Koontz moved that the House do now proceed to the election of a foreman.

Carried.

Mr. Chever nominated C. A. Dickman.

Mr. Holland nominated Mr. Bishop, and

Mr. Koontz nominated Mr. Howard.

Mr. Ripley moved the ballot be an informal one, which motion was carried, and the vote resulted as follows:

Whole number of votes, 21.

Necessary to a choice, 11.

J. K. Howard received 14 votes,

C. A. Dickman received 5 votes,

T G. Bishop received 2 votes.

On motion,

The House proceeded to the first formal ballot, as follows:

Whole number of votes, 21.

Necessary to a choice, 11.

J. K. Howard received 14 votes,

C. A. Dickman received 7 votes.

On motion,

The election of Mr. Howard was made unanimous.

Mr. Howard came forward and took the required oath.

Mr. Henson moved that the House do now proceed to a formal ballot for messenger.

Carried.

Mr. Lynch nominated master C. A. Dickman, and

Mr. Kelley nominated master R. T. Hutchinson.

The ballot resulted as follows:

Whole number of votes, 21.

Necessary to a choice, 11.

Master Hutchinson received 12 votes,

Master Dickman received 8 votes.

Master Hutchinson having a majority of all the votes cast, was declared duly elected, and took the oath required.

Mr. Henson moved that the House proceed to a formal ballot for chaplain.

Carried.

Mr. Henson nominated Rev. Mr. Potter.

Mr. White nominated Rev. G. C. Betts.

The ballot resulted as follows:

Whole number of votes cast, 21.

Rev. G. C. Betts received 11 votes,

Rev. Mr. Potter received 5 votes,

L. D Dennis received 1 vote,

J. B. Wolff received 1 vote,

Blank, 3 votes.

Rev. G. C. Betts having received a majority of all the votes cast, was declared duly elected.

Mr. Henson moved that the House proceed by formal ballot to the election of an engrossing clerk.

Carried.

Mr. Koontz nominated John Walker, and

Mr. Leeper nominated J. R. Devor.

The vote resulted as follows:

Whole number of votes, 21.

Necessary to a choice, 11.

John Walker received 17 votes,

J. R. Devor received 1 vote,

Blank, 3 votes, and

On motion,

The election was made unanimous, and

Mr. Walker came forward and took the oath of office.

On motion of Mr. Henson,

The House proceeded by formal ballot to the election of an enrolling clerk.

J. Lake and C. C. Carpenter were nominated, and

The ballot resulted as follows:

Whole number of votes, 21.

C. C. Carpenter received 18 votes,

John Walker received 1 vote,

J. Lake received 1 vote.

C. C. Carpenter, having received a majority of all the votes cast, was declared duly elected, and took the oath required.

Mr. Chever moved that the House do now proceed to the election of a second messenger, and nominated master C. A. Dickman.

Mr. Judd moved that the ballot be a formal one.

Carried.

The ballot resulted as follows:

Whole number of votes, 21.

Master Dickman received 20 votes,

John Lake received 1 vote.

Master Dickman having received a majority of all the votes cast, was declared duly elected, and took the oath required.

Mr. Stansell moved the House do now adjourn until 2 o'clock p. m. to-morrow.

Carried.

WEDNESDAY, February, 3rd, 1864.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll of the House called.

Quorum present.

Rev. Geo. C. Betts, Chaplain.

Elect of the House appeared and took the required oath.

Prayer by the Chaplain.

Journal of the preceding day read and approved.

Mr. White moved that a committee of three be appointed to notify the Council that the House is now organized and ready to proceed to business.

Carried.

Messrs. White, Koontz, and Leeper were appointed such committee.

Mr. Marsh moved that a committee of three be appointed to

wait on the Governor and inform him that this House is now organized and ready to receive any communication which he may be pleased to make.

Carried.

Messrs. Marsh, Stansell, and Webster were appointed such committee.

The committee appointed to notify the Council of the organization of this House, reported that they had discharged the duties imposed upon them.

The committee appointed to notify the Governor reported that they had discharged the duties of their appointment.

Mr. White moved that a committee of three be appointed to wait upon the Council and invite them to meet with this House in joint convention at 3 o'clock p. m., to hear the message of the Governor.

Carried.

Messrs. White, Lynch and Henson were appointed such committee.

Mr. Holland moved that ladies be invited to seats within the bar of this House,

Which said motion was carried.

Mr. Koontz moved that the rules of order of the last House be adopted for the government of this House until further ordered.

Carried.

Mr. Marsh moved that a committee of three be appointed on rules and joint rules for the government of this body during this session.

Carried.

Messrs. Marsh, Chever and Welton were appointed such committee.

The Secretary of the Council appeared with the following communication:

COUNCIL CHAMBER
Feb'y. 3, 1864.

MR. SPEAKER: I am instructed to inform your honorable body that the Council have appointed Messrs. Whitsett and Van Deren as a committee to wait upon His Excellency, the Governor, and respectfully ask your honorable body to appoint a like committee on the part of the House for the same purpose.

Also,

The Council have accepted the invitation of the House to meet in joint session at 3 o'clock p. m.

Very respectfully,
C. B. HAYN,
Secretary of the Council.

Mr. Stansell moved that a committee of three be appointed to act in conjunction with the Council committee to wait on the Governor and inform him that the Council and House are now in joint convention and ready to hear any communication he may be pleased to make.

Carried.

Messrs. Stansell, Judd and Sheldon were appointed such committee.

Mr. White moved

That Mr. E. B. Smith be employed by this House as Spanish interpreter.

Mr. Leeper moved

To amend the motion by authorizing the sergeant-at-arms to employ an interpreter,

Which amendment was accepted, and

The motion so amended was

Carried.

The committee appointed to wait upon the Council and invite them to meet the House in joint assembly to hear the message of the Governor returned, and

The sergeant-at-arms announced the presence of the Council, and

They were admitted to seats upon the floor of the House.

The two Houses then went into joint convention, the Hon. Charles W. Mather, President of the Council, in the Chair.

Mr. Stansell moved

That a joint committee of three be appointed to wait upon the Governor and escort him to this House.

Carried.

The President appointed Messrs. Stansell, Jones and Judd such committee.

The committee then retired and soon thereafter returned into the hall with His Excellency, John Evans, Governor of the Territory of Colorado, who was conducted to the Speaker's chair and delivered to the joint assembly the following message:

GOVERNOR'S MESSAGE.

Gentlemen of the Legislative Assembly of the Territory of Colorado:

It is an occasion for profound gratitude to God, that we are permitted to enter upon the duties of the third annual session of your honorable body under such favorable auspices as those that now surround us to-day.

Since your last meeting, our national arms have gained the vantage ground over the rebellion, and the power and integrity of our general government has been maintained; domestic

peace throughout our territorial limits has been preserved; general good health has prevailed; our mines have produced more and more abundantly; our agriculture has given certain yield and profitable return; trade and commerce have been prospered, and, in fact, the general tide of our prosperity has continued to swell with a steadily increasing rapidity, and a regularly accumulating volume.

TERRITORIAL FINANCE.

The financial condition of the Territory, as shown by the report of the Territorial Auditor and Treasurer herewith submitted, showing our Territory free from public debt, must be very gratifying to every citizen of Colorado.

With the continuance of that strict economy in regard to public expenditures which has restored the Territorial credit to soundness, and a careful adjustment of the sources of revenue to the necessary demands of an economical administration, it is hoped that the credit of the Treasury may never again be allowed to depreciate; the best economy being found in maintaining a sound credit under all circumstances.

The inauguration of a government upon economical principles has a higher virtue than the simple diminution of the burthens imposed upon the people for its support. To a certain extent, economy and integrity in public expenditures have come to be associated together, as parts of the idea of good government. And as precedents are powerful in their influence upon the management of affairs of State, it is no small source of congratulation to the future of Colorado, that at this early day her finances have been reduced to a compact and safe system of economical administration.

The recommendations of the Auditor, with a view to harmonizing the different parts of the revenue law, are commended to your careful consideration.

PUBLIC SCHOOLS.

For the condition of the "Public Schools" of the Territory, I respectfully refer to the accompanying report of the superintendent.

It is very desirable that there should early be founded, upon a firm basis, a broad and liberal system of public instruction, that shall meet the just demands of every citizen whose child is to be educated, and that shall, at the same time, provide for the education of every youth in the Territory. As an enlightened people form the only firm basis for a permanent liberal government, it is eminently proper and necessary for such government to provide for popular education.

And as the basis for carrying on public schools without irregularity or imposing onerous burthens, is to be found in a

liberal school fund, it is hoped that your special and earnest attention may be directed to the means of securing such a boon for the people of the great permanent State, that will sooner or later supplant our present temporary government.

As the usual grant of school lands by the general government will be comparatively valueless for such a purpose in Colorado, it is important that the means of supplying the deficiency should be secured at an early day.

To meet this indication, the last session of your honorable body enacted a law providing for the reservation of one claim on each quartz lode that might be discovered after its passage, for the purpose of creating a school fund.

The wisdom of such a measure, if properly carried out, securing, as it will, such large public benefits, without making any demand or tax upon any of our citizens, is too apparent to need any comment at this time.

But to render the law permanently effective, and to secure to the Territory absolute title to such claims, it will require the sanction of Congress. I would, therefore, respectfully suggest the propriety of your memorializing Congress for an approval and confirmation of its provisions.

As to the operation of the school law, and the amendments required to render it more perfect, I respectfully call your attention to the suggestions of the superintendent, on these points.

TERRITORIAL CABINET AND LIBRARY.

The condition of the Territorial library and cabinet, will be found fully represented in the report of the librarian herewith submitted.

The importance of securing a collection of geological and minerological specimens that shall fully represent the mineral characteristics of our country is plain. Such a collection would be the means of giving to the scientific enquirer a knowledge of the country in a day, that otherwise might take months to acquire.

What may be deemed necessary to facilitate the rapid collection of such a cabinet, is respectfully commended to your consideration.

MILITIA.

The report of the Adjutant General, when presented, will give a full statement of the condition of the militia. Its organization under the law of last session, has been carried forward as rapidly as has been found practicable. Eight companies, in different parts of the Territory, have been organized, armed, and equipped, which have rendered efficient service in maintaining the peace, and by giving a consciousness of secu-

rity to the remote settlements. An abundant supply of arms and ammunition are provided for further extension of its organization, and to meet any emergency that may arise.

Our remoteness from the centres of military operations in the States, would render the prompt arrival of additional troops from the army of the United States impracticable, in case of Indian hostilities, and therefore our dependence for re-inforcements would necessarily be upon the militia, whose readiness to respond to such a call, and whose reliability cannot be doubted. Measures have been taken to procure from Washington all necessary authority and assistance in such an emergency, should it arise.

Any legislation that may tend to perfect and strengthen the organization of our militia, will be of great benefit to the Territory, and will also add to the military strength of the nation. I therefore commend the subject to your careful consideration.

SOLDIERS' VOTE.

The soldiers sent to the army of the United States by Colorado, have won a high reputation for gallantry, bravery, and undaunted courage on the field of battle. Having honored the Territory from which they went forth, our people justly regard them with sentiments of gratitude and pride.

If there is one citizen more worthy of the rights and privileges of our government than another, it is certainly that one who has forsaken home, and its comforts, to go forth in the face of privation and danger, to defend and to serve that government.

I therefore earnestly recommend that you make plain and definite provisions, whereby our brave soldiers, both at home and in the field, may vote at all our elections, in the future, both for territorial and county officers.

INDIAN AFFAIRS.

A treaty with the Tabeguache band of Utah Indians, was made on the 7th of October last, by which, when ratified, the Indian title to all of the settled portions of the mountains of Colorado, and most of the San Louis Valley, will be extinguished; and the right to mine in any part of the country of said Indians, not included in the said cession, is granted to the people, with perpetual covenants of peace and friendship.

It is hoped that all questions affecting the Indian title to such parts of the Territory as are susceptible of settlement, will be definitely and permanently settled at at early day.

GENERAL INCORPORATION LAW.

The "General Incorporation Law" of last session is thought to be defective in some of its features, and too limited in its scope, not directly providing even for the most important interest of the Territory, in the organization of companies for purposes of mining.

To save special legislation, and to afford equal privileges and protection to all, it is recommended that the provisions of the law be extended to include all lawful pursuits; and that its defects, so far as they may have been ascertained, be obviated.

There may be particular instances where special privileges may be necessary to secure the means to accomplish important public improvements, yet such cases will be found to be rare, and such grants should be made with great caution; for the great fundamental principle, and cardinal doctrine of our political system, of "equal rights and privileges to all," upon which must be based all correct legislation, remains the same.

I cannot, therefore, be too earnest in my recommendation, that each of our legislative acts may be carefully tested by the standard of its popular benefits, equality of rights, and exactness of justice.

MINING INTERESTS.

The improvement in the modes of saving gold from the ores of our mines, that have been made during the past year, have given a new impulse to our mining operations. By these new processes, ores that paid but $25 per ton by the old process, are readily made to yield $100 per ton, while many varieties produce much more largely, and this without greatly increasing the expenses. It may fairly be estimated, therefore, that most of our mines have been quadrupled in their value during the past year by the improvements made in the processes of saving gold.

Prospecting has also been carried on successfully during the past year, some of the richest mines in the country having been discovered and opened within that period; and from the attention that is being directed to the subject, we have reason to expect the results of prospecting in our Territory the coming year will be of the most important character. That there are yet undiscovered, within Colorado, extensive and rich mines, is a general belief, founded upon the similarity of vast districts of unprospected and almost unexplored country, to those regions that are now the most productive of the precious metals. The quartz gold mines of Colorado already tested, are found to be in better defined ledges, occuring more closely together, extending over a wider district of country, surrounded

by better facilities for working, and yield much richer ores than have been found in any other country in the world. These facts are becoming known to capitalists, and we may expect a very large increase in the machinery and appliances devoted to the development of mines during the coming year.

Mining is the most important interest of the Territory. Any legislation therefore that may be calculated to foster and protect it, to encourage its more rapid development, or to render more secure the rights and privileges of miners, shall receive my hearty approval, and have my earnest co-operation in carrying it into execution.

AGRICULTURE.

While the mining interests of Colorado are of the greatest importance and promise, her agriculture offers very strong inducements to enterprise and labor.

It is estimated that not over one half of the supplies of provisions for the Territory are yet produced from our own soil, and the increase in our population will probably maintain this relation between supply and demand for years to come.

The arable lands of Colorado, except for purposes of grazing, are limited exactly by the quantity of water that may be found applicable to purposes of irrigation, for all the lands of the Territory are found to be fertile and highly productive when irrigated. The numerous streams coming down from the mountans to the plains have their flood tide from the melting snows, at the period of the year when irrigation is most demanded for the production of crops, which will increase the amount of arable lands of the Territory beyond what has been generally estimated.

The extent of fertile uplands susceptible of irrigation at a small expense, lying open to pre-emption, in the midst of the settled portions of the Territory, offer inducements to parties to combine, under the general law for irrigation, and improve them. No better field for successful enterprise is open within my knowledge. In all parts of the Territory there are opportunities for such colonies to pre-empt or settle under the Homestead Law, thousands of acres of lands that are, with the slight expense of improvements, more valuable than any farming lands in the western States. This is proved by the profitable character of our agriculture.

To illustrate, I will draw a comparison between the profits of farming in Illinois and Colorado.

One man will attend by his own labor, in Colorado, ten acres of corn and fifteen acres of wheat, which, at the average prices since the country has been settled, and those ruling the present year, would yield as follows, viz:

10 acres corn, 40 bushels per acre—400 b.@$3	$1,200
15 acres wheat, 30 bushels per acre—450 b.@$3	1,350
Corn fodder from 10 acres,@$10 per acre,	100
Wheat straw from 15 acres—20 tons, at $10	200
Total	$2,850.

In Illinois, one man will cultivate thirty acres of corn and fifteen acres of wheat, which, at the general average of crops and prices, would yield as follows, viz:

30 acres corn, 60 bsh'ls per acre—1,800 b.@20 cts.	$360.00
15 acres wheat, 15 bsh'ls per acre—225 b.@75 cts.	168.75
Straw and fodder, (estimated),	100.00
Total	$628.75.

Profits in Colorado over those in Illinois on the annual labor of one man, $2,221.25.

All other products of the farm yield as liberal a return in Colorado as those above cited.

Ten acres in Colorado will produce as large a return for its cultivation as one hundred and sixty acres in Iowa or Illinois, when you have deducted the additional expenses of production and marketing, in the latter case.

According to these figures, ten acres of land properly irrigated, in Colorado, are actually worth more than one hundred and sixty acres under cultivation in Iowa or Illinois.

And this must continue to be the case so long as the consumption exceeds the production, or until some cheaper mode of transportation across the plains is provided.

The pastoral agriculture of the Territory has greatly increased in the extent and rapidity of its development the past year, and its great profits will maintain this increase for years to come.

Any legislation that may have a tendency to increase the attention paid to agriculture in the Territory, whereby the price of living may be cheapened, will have a tendency to encourage the mining interest and foster the general prosperity.

EMIGRATION.

The great impediment to the more rapid development and greater prosperity of these interests is found in the scarcity of capital and labor.

The fact that such rich mines lie dormant when they might be made to pay enormous profits on capital invested in their development—and that such opportunities for profitable farming are left idle, while thousands toil from year to year for a bare subsistence, call for an effort on your part to diffuse information in this behalf.

If reliable lines of transportation from New York and New Orleans, by emigrant cars, steamboats, and trains on the plains were established, which might be done without much expense by securing the co-operation of existing companies, and emigrants could be assured of the cost and time required in moving to Colorado from those great centres for emigration, I feel confident that a very large tide of capital and labor might be directed to our Territory.

I would therefore recommend such legislation as you may deem necessary to secure this result.

PACIFIC RAILROAD.

The great national enterprise of connecting the Atlantic with the Pacific States by railroad across the continent, seems likely to be commenced in good faith at an early day; and for the good of our common country it is to be hoped that its completion will soon afford the means of an intimate fraternal intercourse, active commercial relations and proper military protection and defense, between these remote parts of our country, to bind them together with indissoluble bands.

Occupying an intermediate point between the settlements of the Western and Pacific States, and an important position on what is believed to be the most feasible route for said road, it is to be expected that the people of Colorado will take an active and deep interest in its location and early completion.

The route is yet a matter to be determined, and it is confidently hoped that Colorado may be favored with a location through her entire extent from east to west.

On this point, however, our Territory is not to be regarded in the light of a supplicant for the favor, for she has quite as many benefits to confer as to receive, in consideration of such location.

I would therefore recommend your honorable body to offer every proper inducement to influence the location of the road through your settlements; and should they fail to secure it, I would recommend that the entire energies of the Territory be brought to bear, in co-operation with the branches from Kansas City and Atchison for their extension to the heart of our Territory.

Their Congressional grants will enable these branches to build a line to within 250 miles of your Capitol, and the construction of the remaining portion of the road over a favorable route can doubtless be secured at no distant day.

The extension of those branches as suggested, would doubtless be aided by land grants from Congress, with which, and the growing importance of the trade of Colorado and New Mexico,

the work of its completion would be a matter of comparatively easy accomplishment.

In whatever way it may be deemed best to labor for the important object of a direct railroad connection with the States, I would assure you of my earnest co-operation.

DIRECT ROAD TO SALT LAKE.

Among the most important enterprises to the Territory is the early completion of the wagon road, now in process of construction via the head waters of South Clear Creek, the hot sulphur springs in the Middle Park, and the valleys of Bear River, the Uintah and the Timpanogas Rivers, to Provo in Utah Territory.

It is estimated that this line will shorten the road from here to Provo over one hundred miles, passing through a succession, almost continuous, of fertile valleys and a well timbered and watered country the entire route.

Its completion at an early day will secure the transfer to it of the overland mail line, and the immense tide of emigration and travel to Utah and the country of the Pacific coast, the diversion of which, to a line running through the entire extent of our Territory from east to west, will bring to our doors a vast amount of trade, and direct hither a large increase to our population.

Any encouragement that you can properly offer to the early construction and proper maintainence of this important national highway, will redound to the general prosperity of the Territory and more certainly bring to the knowledge of the Union Pacific Railroad Company the great advantages of this route for the location of their line.

CAPITOL BUILDINGS AND PENITENTIARY.

The course pursued by the General Government towards other Territories, in making appropriations for the erection of Capitol and penitentiary buildings for them, would inspire confidence in making an appeal for these objects for Colorado Territory.

The urgent necessity to the ends of justice for a prison, and the fact that the expenses imposed upon the General Government by the long route of transportation of her prisoners to the States from the Rocky Mountain country generally, or the worse alternative of keeping them idle and at great expense, with imperfect security against their escape, would seem to make it a National as well as a Territorial benefit for Congress to provide for a penitentiary in Colorado at once.

I would respectfully suggest the propriety of your memorializing Congress for appropriations for both Capitol and Penitentiary builings.

RIGHTS OF WATER FOR IRRIGATION.

As the quantity of water applicable to purposes of irrigation on the several streams of the Territory is likely to be all claimed for use in course of time, and the question of priority of right to the water during seasons of drouth is likely to be one of great difficulty and embarrassment, I would commend to your careful consideration the propriety of a law that shall define the rights to be acquired hereafter in the course of the settlement of the country, to the water applicable to irrigation.

A just and equitable enactment of the kind, at this early day, may save much difficulty and litigation hereafter.

PRINTING THE LAWS IN SPANISH.

A portion of our citizens, who are Mexicans, comprising most of the inhabitants of those counties originally belonging to New Mexico, have been unable to understand or properly enforce our laws, because they have not been printed in the only language which they speak.

An appeal of the Secretary of the Territory, to the Treasury Department at Washington, for authority to print our laws in Spanish, having been denied for want of Congressional authority; and an earnest effort on the part of our Delegate in Congress, Hon. H. P. Bennett, to secure the necessary Congressional action for the purpose, having failed, the alternative seems to be presented you of providing for printing the laws in Spanish at the Territorial expense, or of leaving those citizens uninformed as to the nature and requirements of the laws they are expected both to enforce and to obey.

In justice to a worthy portion of our people, whose disposition to perform the part of good citizens cannot be doubted, I therefore most earnestly recommend that an appropriation be made for the publication of our laws in the Spanish language.

FEDERAL RELATIONS.

During the eighteen months that have elapsed since the close of your last session, our country has passed through a terrible ordeal, which has tested to the utmost the ability of our General Government to maintain itself.

The most wicked and powerful rebellion that has ever occurred in any country in the world, has passed the zenith of its power and is fast declining to an utter and disgraceful overthrow.

It is believed that no other nation, either of the past or present time, could have maintained its own integrity and put forth

efforts adequate to subdue such a formidable and united power as the present rebellion.

The spectacle here presented establishes the fact that the strongest as well as the freest and the best government that can be devised by man, is that which is founded in the represented will of an intelligent and virtuous people.

While this conflict has cost us rivers of blood and mountains of treasure—while it has brought sorrow to almost every hearthstone, and filled our country with mourning,—while the maimed and the decrepid from the carnage of the battle-field meet us at every turn to testify of its horrors; the patriot and the christian can see through the dispelling smoke of the conflict, through the parting of the clouds of darkness that overcast our sky, the dawning of the light of that higher civilization which is to be the priceless purchase of the war.

Nor will the results of our national triumph and purification be less marked and beneficial upon our temporal prosperity. All over the countries of the old world has the fame of our land and the spirit of freedom been diffused among the people, and hundreds of thousands of strong arms and stout hearts but await this purification of our political system to fly to our shores.

Our prowess on land and sea will command the respect of the world, while the pure patriotism and devoted loyalty of our people, inspired by a higher appreciation of the worth of a good government, because they know how much it cost to maintain it, will unite to put down disorder and preserve the peace, until life and property shall be more secure than in any other country in the world.

In view of the bright promise of the future—in view of the great interests of humanity that are involved, and the terrible consequences of failure in this war, let us then rally to the support of our national government in this time of her great peril, and with united hearts and the pure devotion of a consecrated patriotism, let us implore the blessings of Almighty God upon our country.

JOHN EVANS.

After hearing which the President declared the joint convention dissolved.

The Speaker then called the House to order.

Mr. Webster moved that the House do now adjourn until 10 o'clock a. m. to-morrow.

Motion lost.

Mr. Judd moved that the House adjourn until 2 o'clock p. m. to-morrow.

Motion lost.

Mr. Marsh moved that a committee of three be appointed to procure the printing of 2,000 copies of the Governor's message in English, and 1,000 copies in the Spanish language.

Mr. Chever moved to amend by striking out 2,000 and inserting 1,000; and by striking out 1,000 and inserting 500.

Amendment lost.

Original motion carried.

Mr. White offered the following resolutions:

Resolved, by the House of Representatives, the Council concurring, That when this House adjourns this afternoon, they adjourn to meet at Denver, on Monday, February 8th, 1864, at 10 o'clock a. m.

Resolved, That the vote on adjournment be by ballot.

Mr. Kelley moved to amend the last resolution by striking out "by ballot," and inserting "by ayes and nays."

Amendment adopted.

Mr. Stansell moved to amend the first resolution by inserting after the word "adjourn," the words "on Friday next."

The question recurring on the amendment,

The ayes and nays being called, there were,

Ayes—Messrs. Chever, Eames, Koontz, Sheldon, Stansell, and White—6.

Nays—Messrs. Holland, Henson, Judd, Kelley, Leeper, Lynch, Marsh, McCannon, Ripley, Webster, Welton and Wood—12.

Excused—Messrs. Garcia and Ortega—2.

So the amendment was lost.

Mr. Marsh moved to lay the resolutions on the table.

The ayes and nays being called, there were

Ayes—Messrs. Eames, Henson, Judd, Kelley, Marsh, Ortega, Ripley, Webster, Welton, Gareia and Leeper—11.

Nays—Messrs. Chever, Holland, Koontz, Lynch, McCannon, Sheldon, Stansell and White—9.

Ayes, 11; nays, 9.

So the resolutions were laid on the table.

Mr. Holland moved that the House proceed to draw for choice of seats.

Mr. Marsh moved the following amendment, to wit:

That the members keep the seats they now occupy.

Motion, as amended, adopted.

Mr. Marsh moved to adjourn until 10 o'clock a. m. tomorrow.

Lost.

Mr. Webster moved to adjourn until 2 o'clock p. m. to-morrow.

Lost.

On motion of Mr. Koontz,

The House adjourned until 10 o'clock a. m. to-morrow.

THURSDAY, February 4th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Quorum present.

Journal of the preceding day read and approved.

Mr. Marsh, from the committee on credentials, reported as follows:

To the Speaker and the House of Representatives of Colorado:

Your committee on credentials beg leave to submit to your honorable body the following additional report:

That we have examined the credentials of the following members, who are absent from this House, and find them entitled to seats in the same, to wit:

Hon. B. J. McComas, from the 13th district,

Hon. John Kip, from the 6th district,

Hon. O. A. Patterson and Hon. John A. Nye, from the 1st district, and

Hon. Samuel Mallory, from the 6th district.

Having no other business before them, your committee ask to be discharged from further duties on the same.

A. Marsh,
J. T. Lynch,
Majority of said committee.

Mr. Koontz moved that the report of the committe be received and the committee discharged.

Carried.

Mr. White moved that the report and the names of the members placed by the clerk upon the roll be adopted.

Carried.

Mr. Marsh, from special committee on rules and joint rules, reported as follows:

To the Honorable House of Representatives:

Your committe on rules and joint rules beg leave to report the joint rules of the Council and House of Representatives of the second session for adoption,

Also, the House rules of the second session with the following amendments, viz:

1st. That the call of the roll shall be second in the order of the day.

2nd. That a committee on Indian affairs be added to the list of standing committees.

A. MARSH, Ch'n.
D. A. CHEVER,
N. W. WELTON.

Report accepted.

Mr. Stansell moved that the report be adopted.

Carried.

Mr. White moved that two hundred copies of the rules reported by the committee be printed for the use of the House.

Carried.

Mr. Kelley gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act to authorize Probate Judges to do certain things.

Mr. Marsh gave notice that on to-morrow, or some subsequent day, he would introduce an act entitled an "act regulating proceedings in attachment in the District Court."

The Speaker announced the following standing committees:

Judiciary—Messrs. Marsh, Henson, Ripley, Wood and Sheldon.

Ways and Means—Messrs. White, Koontz, Holland, Kelley and Garcia.

Elections and Apportionments—Messrs. Holland, Judd, Chever, Stansell and Webster.

Incorporations—Messrs. Stansell, Eames, Leeper, McCannon and Welton.

Federal Relations—Messrs. Lynch, Ripley, Sheldon, Marsh and Kelley.

Mines and Minerals—Messrs. Leeper, Lynch, Henson, Wood and Judd.

Agriculture and Manufactures—Messrs. Eames, Kelley, Webster, Ortega and Koontz.

Territorial Affairs—Messrs. Chever, Stansell, White, Garcia and Webster.

Counties and County Lines—Messrs. Sheldon, Ripley, Wood, Koontz and Ortega.

Military Affairs—Messrs. Judd, Welton, Holland, Lynch and Garcia.

Education—Messrs. Ripley, Chever, Wood, Kelly and Ortega.

Roads and Bridges—Messrs. Webster, McCannon, Stensell, Leeper and Koontz.

Printing—Messrs. Kelley, Judd, Lynch, Holland and Ortega.
Rules and Joint Rules—Messrs. Henson, Chever, Marsh, Welton and Ripley.
Engrossment—Messrs. Koontz, White and Eames.
Enrollment—Messrs. Chever, Lynch and Holland.
Indian Relations—Messrs. Webster, Ripley, Garcia, Koontz and Kelley.

Mr. Stansell offered the following joint resolution:

Resolved by the House of Representatives, the Council concurring, That when this Legislative Assembly adjourn this afternoon, it stand adjourned to meet in Denver City on Monday, the 8th inst., at 2 o'clock p. m., which was

Read the first and second time and considered engrossed.

Mr. White moved that the rules be suspended and the resolutions read the third time.

Carried.

Resolutions read the third time and being placed upon its passage the ayes and noes having been called were:

Ayes—Chever, Eames, Garcia, Henson, Koontz, Leeper, Lynch, McCannon, Ortega, Ripley, Sheldon, Stansell and White—13.

Noes—Holland, Judd, Kelley, Marsh, Webster, Welton, Wood and Mr. Speaker—8.

Ayes 13, noes 8.

So the resolution passed, and ordered to be enrolled.

The Sergeant-at-arms announced a communication from the Hon. Secretary of the Territory, which was received and read as follows:

SECRETARY'S OFFICE, C. T.,
February 3rd, A. D., 1864.

To the Honorable, the Speaker of the House of Representatives:

SIR:—I beg leave to call your attention to the following extract from instructions sent me by the Treasury Department:

"This Department claims and exercises the right, under existing laws, to regulate the price and quantity of Territorial printing. The limits of the annual appropriation, aside from any other consideration, would not admit of any indefinite action in this respect by the Assembly; you will, therefore, suggest to the presiding officer of each House that, memorials, petitions and documents having no necessary connection with the duties of legislation or the dissemination of useful information among the people will be excluded and not printed at the expense of the United States."

The proprietors of the *Commonwealth* have been employed by me to do the incidental printing of the session, and will do such printing as your committee on printing, with a proper regard to the above instructions, may order.

I am also authorized by the Department to furnish each member of the Legislature with one newspaper during the session. The members will oblige me by giving their names to the Clerk, with the name of the paper published in our Territory which they desire.

I am also instructed by the Department to pay the postage of members during the session. Letters and papers which they desire to mail, they will please frank and place in the hands of the Sergeant-at-arms.

The Department have declined paying an interpreter for our Mexican members, and if one be employed it must be at the expense of the Territory.

With great respect,
Your obedient servant,
SAM'L. H. ELBERT,
Secretary of Colorado Territory.

The Speaker called Mr. Ripley to the chair.

Mr. Chaffee gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce

A bill to repeal an act to provide for stay of proceedings on Foreign indebtedness.

The Speaker resumed the chair.

Mr. White gave notice that he would, on to-morrow or some subsequent day of the session, introduce

A bill entitled an act to secure the title to actual and *bona fide* owners of lodes and lode mining claims.

Mr. Koontz gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for the protection of farms against the tresspassing of stock.

Mr. Stansell gave notice that, on to-morrow or some subsequent day, he would introduce

A bill to legalize the records of Musquito and other mining districts in Park county up to a given date.

Mr. Sheldon gave notice that, on to-morrow or some subsequent day, he would introduce

A bill for the protection of sheep.

Mr. Webster gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for a general fence law.

Mr. Leeper gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to further protect and legalize the local laws of the several mining districts of this Territory.

Mr. Holland asked that the communication from the Secretary of the Territory be again read, which was done.

Mr. Holland moved that so much of the communication from the Secretary as refers to printing, be referred to the committee on public printing.

Carried.

Mr. Stansell offered the following resolution:

Resolved, That this House employ an interpreter at the expense of the Territory for the convenience of the House and the members from the eleventh district, which resolution was adopted.

Mr. Henson gave notice that he would, on to-morrow or some subsequent day, introduce a bill for the protection of ranchmen in Park county.

Mr. Leeper gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to facilitate the prospecting for mineral lodes in the Territory of Colorado.

Mr. Webster gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to legalize the records of Fremont county.

Mr. Judd gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to aid and encourage emigration to this Territory.

Mr. Koontz gave notice that he would, on to-morrow or some subsequent day, introduce

A bill prohibiting gambling within Colorado Territory.

Mr. Welton moved that a special committee of three be appointed by the Speaker to present the name of some suitable person or persons to this House for the appointment of interpreter.

Carried.

The Speaker appointed Messrs. Welton, Chever and Garcia such committee.

Mr. Sheldon gave notice that he would, on to-morrow or some subsequent day, introduce

A bill defining the manner of subdividing sections under the United States surveys in this Territory.

Mr. Welton gave notice that he would, on to-morrow or some subsequent day, introduce a bill for the protection of farmers and ranchmen against the herding of sheep on or near occupied grounds.

Mr. Holland moved that this House do now adjourn until 2 o'clock p. m.

Carried.

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.
The Speaker in the chair.
Roll of the House called.
Quorum present.
The Sergeant-at-arms announced a message from the Coucil:

COUNCIL CHAMBER,
Feb'y. 4, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council have concurred in the following joint resolution:

Resolved by the House of Representatives, the Council concurring, That when this Legislative Assembly adjourn this afternoon, it stand adjourned to meet in Denver City, on Monday, the 8th inst., at 2 o'clock p. m.

Very respectfully,
C. B. HAYNES,
Sec'y. of the Council.

Mr. White offered the following resolution:

Resolved, That the Sergeant-at-arms be authorized to furnish conveyances for all the members of the House of Representatives who desire to go to Denver, to be done without expense to the Territory, which resolution was adopted.

Mr. Marsh offered the following resolution:

Resolved, That this House do extend a vote of thanks to the citizens of Golden City for the kind and hospitable manner in which the members thereof have been treated during their stay among them; and that this resolution be spread upon the journal of the House, which resolution was adopted unanimously.

Mr. Chever, from committee on enrollment, reported that they had examined

House joint resolution No. 1 and found the same correctly enrolled.

Report accepted.

Mr. Ripley asked to be excused from attendance upon the sessions of this House during next week, and,

On motion of Mr. White, Mr. Ripley was excused,

The Sergeant-at-arms announced a communication from His Excellency, the Governor, which was received and read as follows:

To the Honorable, the House of Representatives of the Territory of Colorado:

Gentlemen: I have the honor to inform you that I have this day approved and signed House joint resolution No. 1.

Respectfully, your
Obedient servant,
JOHN EVANS,
Governor C. T.

Mr. Stansell moved that this House do now adjourn.
Carried.

MONDAY, February 8th, 1864.

House met at 2 o'clock p. m., pursuant to adjournment.
The Speaker in the chair.
Prayer by the chaplain.
Roll called.
Absent—Messrs. Kipp, McComas, Mallory, Nye, Patterson and Ripley.
Quorum present.
Mr. Chever, from special committee to recommend some suitable person to the House for interpreter, reported as follows:

Mr. Speaker: Your select committee, appointed to present the name of an interpreter for election in this House, respectfully recommend that Mr. E. P. Parker be elected to fill that office.

N. W. WELTON, Ch'n.

Report received.
Mr. White gave notice that, on to-morrow or some subsequent day, he would introduce resolutions endorsing the Administration of Abraham Lincoln and recommending his re-election in 1864 as President of the United States.
Mr. Marsh gave notice that, on to-morrow or some subsequent day, he would introduce a bill to secure a lien to mechanics and others.

Also,

An act to amend an act entitled "an act concering judgments and executions.

Mr. Kelley according to previous notice, asked leave to introduce

House Bill No. 1, entitled "an act to enable Probate Judges to do certain things," which was read the first time by its title.

Mr. Marsh moved that a committee of three be appointed to analyze and assign the different parts of the Governor's message to the several appropriate committees of this House.

Carried.

Messrs. Marsh, Lynch and Koontz were appointed such committee.

Mr. Lynch moved that a committee of three be appointed to procure a flag at the expense of the Territory, or otherwise, as this House may determine, to be raised over this hall with public honors, on to-morrow evening, immediately after adjournment.

Carried.

The speaker appointed Messrs. Lynch, Stansell and Judd such committee.

Mr. White moved that that portion of the Governor's message relating to the Pacific Railroad be referred to a special committee of three.

Carried.

The Speaker appointed Messrs. White, Lynch and Marsh such committee.

Mr. Lynch moved that that portion of the Governor's message referring to emigration, be referred to a special committee of three.

Carried.

The Speaker appointed Messrs. Lynch, Judd and Webster such committee.

Mr. Stansell gave notice that, on to-morrow or some subsequent day, he would ask leave to introduce a bill amendatory of the general incorporation act.

Mr. Leeper moved that a committee of three be appointed to obtain the services of an interpreter for the time being.

Carried.

The Speaker appointed Messrs. Leeper, Welton and Garcia such committee.

Mr. Sheldon gave notice that on to-morrow, or some subsequent day, he would introduce a bill concerning immigration.

Mr. Sheldon, in accordance with previous notice, asked leave to introduce

House bill No. 2, entitled "an act to facilitate the sub-divisions of sections under United States surveys in Colorado Territory, which was

Read first and second time by its title, and referred to committee on counties and county lines.

Mr. Webster gave notice that, on to-morrow or some subsequent day, he would introduce a bill to legalize the assessment of property in Fremont county.

Mr. Lynch gaze notice that, on to-morrow or some subsequent day, he would introduce a bill for the incorporation of the Swan River Fluming Company, in Summit county, and Territory of Colorado.

Mr. Holland called for the second reading of

House bill No. 1, which was

Read by its title and referred to committee on judiciary.

Mr. Leeper, from special committee to procure an interpreter, reported that they had secured the services of Mr. E. P. Parker.

Mr. Chever moved that the House do now proceed to elect an interpreter *pro tem.*

Carried.

Mr. Leeper nominated Mr. E. P. Parker, and the votes being taken were, for Mr. Parker:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker.

Ayes—20.

So Mr. Parker was declared duly elected interpreter *pro tem*, and came forward and was sworn into office by the Speaker.

Mr. Judd gave notice that, on to-morrow or some subsequent day, he would ask leave to introduce a bill to incorporate the town of Black Hawk Point, Gilpin county, C. T.

Mr. Welton gave notice that, on to-morrow or some subsequent day, he would introduce a bill for a charter of the town of Pueblo.

Mr. Webster asked leave, in pursuance to previous notice, to introduce

House bill No. 3, entitled "an act to legalize the records of Fremont county," which was

Read a first and second time by its title, and referred to committee on Territorial affairs.

Mr. Holland offered the following resolution:

Resolved, That the Honorable, the Secretary of the Territory, be respectfully requested to communicate to the House an abstract of the vote polled in the several districts and counties for members of the Legislative Assembly and county officers, at the last general election, at as early date as may be convenient, which resolution was

Adopted.

Mr. Marsh asked leave, in pursuance to previous notice, to introduce

H. B. No. 4, entitled an act to amend an act entitled "an act regulating the mode of proceedings in attachment in certain cases," which was

Read a first and second time by its title and referred to the committee on judiciary.

Mr. Stansell moved that in House rule No. 38, the word "nine" in second line be stricken out and the word "ten" be inserted in lieu thereof.

The ayes and noes being called, were:
Ayes—19, noes—1, as follows:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Ortega, Sheldon, Stansell, Webster, Welton, Woods and Mr. Speaker—19.
Noes—Mr. White—1.
So the motion prevailed.

On motion of Mr. White,
The House adjourned until 10 o'clock a. m. to-morrow.

TUESDAY, February 9th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.
The Speaker in the chair.
Prayer by the chaplain.
Roll called.

Absent—Messrs. Garcia, Kipp, McComas, Mallory, Nye, Ripley and Patterson.
Quorum present.

The journal of the preceding day read and approved.
Mr. Garcia appeared and took his seat.

Mr. Judd presented a communication from the Hon. Charles Lee Armour, as follows:

Central City,
Feb'y 8th, 1864.

To the Honorable, the House of Representatives of Colorado Territory:

I respectfully recommend the enactment of a law creating the office of inspector of weights and measures—one for each county—to be appointed by the Governor or County Commissioners.

I also recommend the amending of the 122nd section of the practice act, by striking out the words "in writing," in division eleven.

CHARLES LEE ARMOUR,
Associate Justice of the
Supreme Court of C. T.

Mr. Holland moved that the first section of the communication from Judge Armour be referred to the committee on Territorial affairs, and the second to the judiciary committee.

Mr. Marsh, from special committee on the Governor's message, made the followwing report:

MR. SPEAKER: The undersigned special committee, to whom was referred the Governor's message, beg leave to report that they have discharged the duties assigned them, and beg leave to recommend that,

So much of said message as relates to Territorial finances, be referred to the committee on ways and means.

So much as refers to schools, to the committee on education.

So much as refers to the military, be referred to the committee on military affairs.

That part requesting this body to make plain and definite provisions, whereby our brave soldiers at home and in the field may vote, be referred to the committee on judiciary.

So much as refers to Indian affairs be referred to the committee on Indian affairs.

So much as refers to incorporations, to be referred to the committee on incorporations.

So much as refers to mining interest, to be referred to the committee on mines and minerals.

So much as refers to agriculture, to the committee on agriculture.

So much as refers to Salt Lake Road, to be referred to the committee on roads and bridges.

So much as refers to Capitol building and Penitentiary, to be refered to the committee on Territorial affairs.

So much as refers to water for irrigation, to be referred to the committee on agriculture.

Respectfully submitted,
A. MARSH, Ch'n.

Mr. Marsh offered the following resolution:

Resolved, That the committee on judiciary be authorized to employ the services of the Enrolling Clerk while not engaged in his regular duties, which resolution was

Adopted.

Mr. Marsh asked leave, previous notice having been given, to introduce

H. B. No. 5, entitled an act to amend an act entitled "an an act concerning judgments and executions," which was

Read the first and second time by its title, and referred to committee on judiciary.

Mr. Marsh gave notice that, on to-morrow or some subsequent day, he will ask leave to introduce a bill entitled an act to amend an act entitled "an act concerning jurors."

Mr. Holland moved that the report of the select committee on the Governor's message be adopted.

Carried.

And so the matters were ıeferred.

Mr. Marsh, in accordance with previous notice, asked leave to introduce

H. B. No. 6, entitled "an act creating a lien in favor of mechanics and others, in certain cases," which was

Read the first time by its title.

Mr. Webster, pursuant to previous notice, asked leave to introduce

H. B. No. 7, entitled "an act to legalize a certain assessment of property in Fremont county."

Read first time by its title.

Mr. Marsh called for the second reading of

H. B. No. 6, which was

Read second time by its title and referred to the committee on judiciary.

Mr. Webster called for the second reading of

H. B. No. 7, which was

Read a second time by its title and referred to the committee on Territorial affairs.

The Sergeant-at-arms announced a communication from the Council, which was received and

Read as follows:

COUNCIL CHAMBER,
Feb'y. 9, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 1, a bill for an act to amend an act entitled "an act concerning practice in civil cases," herewith transmitted, and the concurrence of your Honorable body is respectfully requested therein.

Very respectfully,
C. BRUCE HAYNES,
Secretary of Council.

Mr. Marsh moved that the House do now take up and consider

C. B. No. 1.

Carried.

C. B. No. 1 was then taken up,

Read the first and second time by its title and referred to the committee on judiciary.

Mr Koontz asked leave of absence until to-morrow evening.

On motion of Mr. Leeper,

Mr. Koontz was excused.

Mr. White offered the following resolution:

Resolved, That His Excellency, the Governor of the Territory, Hon. Samuel H. Elbert, Secretary, Colonel J. M. Chivington, commanding the district, and the Honorable, the members of the Council, be invited to attend at the raising of the United States flag over the House of Representatives, this afternoon, at 4 o'clock, which resolution was

Adopted.

Mr. Holland moved that the reports of the Auditor and Treasurer of the Territory be referred to the committee on ways and means.

Carried.

Mr. Stansell moved that a committee of three be appointed to wait upon His Excellency, Governor Evans, the Honorable Samuel H. Elbert, Colonel Chivington, and also the Council, to invite them to be present at the raising of the United States flag this p. m., at 4 o'clock, in accordance with the resolution just passed.

Carried.

The Speaker appointed Messrs. Stansell, Judd and Sheldon as such committee.

Mr. Marsh, from committee on judiciary, submitted the following report:

MR. SPEAKER: Your committee, to whom was referred C. B. No. 1. beg leave to report that they have examined the provisions of the law, and recommend its passage.

Report accepted.

Mr. Stansell moved that the House do now go into committee of the whole, and consider

C. B. No. 1.

Carried.

The House then went into committee of the whole, Mr. Stansell in the chair,

Whereupon, the committee took into consideration

C. B. No. 1, which was

Read by sections, and,

On motion of Mr. Chaffee,
Its passage recommended to the House.
On motion of Mr. Chaffee,
The committee of the whole then arose.
The Speaker resumed the chair.
Mr. Stansell, chairman of the committee of the whole, reported as follows:

Mr. Speaker: I am instructed by the committee of the whole to make the following report:

That they have had
C. B. No. 1 under consideration, and recommend its passage without amendment.

J. B. STANSELL, Ch'n.

Mr. Chever moved that the report of the committee be adopted.
Carried.
Mr. Chever moved that the rules be suspended and
C. B. No. 1 be taken up and
Read the third time.
Carried.
The ayes and noes being called were:
Ayes—Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Ortega, Sheldon, Stansell, White, Welton, Webster, Wood and Mr. Speaker—20.
Ayes—20.
Noes—0.
Absent—Kipp, McComas, Mallory, Nye, Patterson and Ripley—6.
So the rules were suspended.
Mr. Marsh moved that
C. B. No. 1 be considered,
Read the third time and placed upon its final passage.
Carried.
The ayes and noes being called were:
Ayes—Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, McCannon, Ortega, Sheldon, Stansell, White, Welton, Webster, Woods and Mr. Speaker—20.
Absent—Kipp, McComas, Mallory, Nye, Patterson and Ripley.
Ayes—20.
Noes—0.
Absent—6.

So the bill passed and title agreed to.

Mr. Garcia moved that the rules of the House be translated into Spanish and printed.

Carried.

Mr. Sheldon offered the following resolution:

Resolved, That the committee on printing be instructed to make arrangements, at the expense of the Territory, for the printing of bills for the use of this House, when such printing shall be ordered.

Carried.

On motion of Mr. Koontz,

The House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Koontz, McComas, Mallory, Nye, Patterson, Ripley and Stansell.

Mr. Stansell appeared and tohk his seat.

Mr. Stansell, from the committee to wait on the Governor and others, reported verbally:

That they had discharged the duties assigned them.

Report accepted, and

Committee discharged.

Mr. White having given previous notice, asked leave to introduce

House joint resolutions No. 2, which were

Read 1st and 2nd time and considered engrossed and read 3rd time.

Mr. Stansell moved that the rules be suspended and the resolutions read the third time and placed upon their final passage.

Carried.

The ayes and noes being called, were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, Marsh, McCannon, Ortega, Sheldon, Stansell, White, Webster, Welton and Wood—18.

Noes—Mr. Speaker—1.

Absent—Messrs. Kipp, Koontz, McComas, Mallory, Nye, Patterson and Ripley.

So the rules were suspended and the resolutions placed on their final passage.

The ayes and noes having been called, were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, Ortega, Stansell, White, Welton, Wood and Mr. Speaker—15.

Noes—Marsh, McCannon, Sheldon and Webster—4.

Absent—Kipp, McComas, Nye, Mallory, Patterson and Ripley.

Ayes—15.

Noes—4.

Absent—7.

So the resolution passed.

Mr. Webster moved to amend the title to House joint resolutions No. 2, so as to read "joint resolution endorsing the course of Abraham Lincoln, as President of the United States, and nominating him for re-election."

Lost.

So the title was agreed to.

Mr. Marsh gave notice that, on to-morrow or some subsequent day, he would introduce a bill entitled an act concerning Justices of the Peace and Constables.

Also,

An act to repeal an act entitled "an act relating to forcible entry and detainer, and unlawful detainer."

On motion of Mr. Marsh

The House adjourned until 10 o'clock a. m., to-morrow.

WEDNESDAY, February 10th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Koontz, McComas, Mallory, Nye, Patterson, Ripley.

Quorum present.

Journal of the preceding day read and approved.

Mr. Marsh from judiciary committee, reported as follows:

Mr. Speaker: Your committee to whom was referred House Bill Nos. 5 and 6, beg leave to report that they have examined the provisions of the same, and recommend the passage thereof.

Report accepted.

Mr. Sheldon from committee on Counties and County Lines, reported as follows:

Mr. Speaker: The committee on Counties and County Lines, to whom was referred House Bill, No. 2, having had said bill under consideration, do respectfully recommend its passage. A. L. SHELDON, Ch'n.

Report accepted.

Mr. Sheldon gave notice that to-morrow or on some subse-

quent day he would introduce a bill amending sections 2 and 4 of an Act entitled An Act, to define County boundaries, and to locate County seats in Colorado Territory.

Mr. Welton gave notice that he would on to-morrow or some subsequent day introduce a bill for an act for the protection of farmers, in certain locations.

Mr. Lynch gave notice that he would on to-morrow or some subsequent day introduce a bill for a general Sabbath law.

Mr. Sheldon gave notice that on to-morrow or some subsequent day he would introduce a bill entitled "An act authorizing the Board of Directors of school district No. 1 in the County of Jefferson, to levy a tax.

Mr. Henson gave notice that on to-morrow or some subsequent day he would introduce a bill for the incorporation of the Platte City Ditch Company, for mining purposes.

Mr. Sheldon, offered the following resolution:

Resolved, That the Sergeant-at-Arms obtain for the use of the House, and more particularly for the use of the Committee on Counties and County Lines, one of Gov. Gilpin's colored maps of the Territory.

Which resolution was adopted.

Mr. Henson, moved that the words "First reading of Bills and Resolutions from the Council" shall be made No. 10 in the order of the day, under rule No. 33 in the rules of the House.

Carried.

Mr. Sheldon, moved that House Bill No. 2 be taken up and considered.

Carried.

House Bill No. 2 was then taken up, read by sections for consideration, and on motion of Mr. Leeper, ordered engrossed for a third reading.

Mr. Ortega gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill entitled an act to incorporate the Dona Emelia Town Company.

Mr. Lynch, gave notice that on to-morrow or some subsequent day he would introduce a bill to regulate Marriages in this Territory.

Mr. Leeper, gave notice that on to-morrow or some subsequent day he would introduce a bill concerning crimes and punishment in this Territory.

Mr. Marsh moved that House bills Nos. 5 and 6 be taken up and read for consideration.

Carried.

House bill No. 5 was then taken up and considered, and on motion of Mr. Marsh, ordered engrossed for a third reading.

House bill No. 6 was then taken up and considered, and on

motion of Mr. Stansell, ordered printed.

On motion of Mr. White, the House adjourned until 10 o'clock a. m., to-morrow.

THURSDAY, February 11th, 1864.

House met pursuant to adjournment, 10 o'clock, a. m.,

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent.—Messrs. Eames, Kipp, McComas, McCannon, Mallory, Nye, Patterson, Ripley, Welton.

Quorum present.

The Journal of the preceeding day, read and approved.

Mr. Chever, from Committee on Territorial affairs submitted the following reports.

Mr. Speaker: The committee on Territorial affairs to whom was referred the communication of Judge Charles Lee Armour, recommending the enactment of a law creating the office of Inspector of Weights and Measures, respectfully report that they have had the subject under consideration, and will at some subsequent day report a bill for such a law.

D. A. CHEVER, Ch'n.

Mr. Speaker: The committee on Territorial affairs to whom was referred House Bill No. 3 a bill for an "act to legalize the records of Fremont County," and House Bill No. 7, a bill for an "act to legalize a certain assessment of property in Fremont county," report the same back to the House and recommend their passage.

D. A. CHEVER, Ch'n.

Reports accepted.

Mr. Koontz from the committee on engrossment, reported verbally.

That they had examined House Bills Nos. 2 and 5 and find the same correctly engrossed.

Report accepted.

Mr. Sheldon asked leave in accordance with previous notice to introduce House Bill No. 8 entitled an act authorizing the Board of Directors of School District, No. 1 in the County of Jefferson to levy a tax.

Which was read a first and second time by its title, and referred to committee on Education.

Mr. Sheldon, in pursuance to previous notice, asked leave to

introduce House Bill No. 9, entitled an "act to amend an act entitled an act to define County Boundaries and locate County Seats in Colorado Territory," which was read the 1st. and 2d. time by its title.

Mr. Garcia moved that H. B. No. 9 be referred to a special committee of three.

Carried.

The Speaker appointed Messrs. Garcia, Sheldon and Webster, such committee.

House bill No. 3 was then taken up for consideration, and on motion of Mr. Webster, was ordered engrossed for a third reading.

Mr. Eames appeared and took his seat.

H. B. No. 7, was then taken up for consideration and on motion of Mr. Webster, was ordered engrossed for a 3rd reading.

Mr. Sheldon moved that H. B. No. 2 be taken up, read a 3d. time and placed upon its final passage.

Carried.

H. B. No. 3 was then taken up, read the third time and placed upon its final passage and the vote having been taken were.

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelly, Lynch, Leeper, Marsh, Ortega, Sheldon, Stansell, White, Webster, Woods, Mr. Speaker—18.

Noes.—0.

Ayes—18.

Noes—0.

So the bill passed and title agreed to.

Mr. Welton appeared and took his seat.

H. B. No. 5, was then taken up, read and placed upon its final passage.

The ayes and noes having been called were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker.

Ayes—19.

Noes—0.

So the bill passed and title agreed to.

Mr. Koontz, from the committee on Engrossment reported verbally.

That they had examined H. B. No. 3 and found the same correctly engrossed.

Report accepted.

Mr. Webster moved that H. B. No. 3 be read the third time and placed upon its final passage.

Carried.

H. B. No. 3, was then read a third time.

The ayes and nays, being called were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker.

Ayes—19.

Noes—0.

So the bill passed, and title agreed to.

Mr. Sheldon, having given previous notice, asked leave to introduce

House Joint Resolution No. 3, in relation to Territorial Boundaries, which was read a first and second time by the title and referred to the Committee on Territorial affairs.

On motion of Mr. Marsh, the House adjourned until 2 o'clock p. m.,

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

Roll of the House called.

Absent—Messrs. Kipp, Koontz, Marsh, McComas, Mallory, Nye, Judd, Patterson, Ripley.

Quorum present.

Mr. Webster gave notice that on to-morrow or some other day he would ask leave to introduce

A bill entitled an act concerning roads and highways.

Mr. Garcia, moved that this house do now proceed to elect E. P. Parker, Interpreter of this House for the session.

Carried.

Whereupon the ayes and noes being called,

Were for Mr. Parker.

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Kelley, Lynch, Leeper, McCannon, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 17—Noes—0.

Ayes—17.

Noes—0.

So Mr. Parker was declared duly elected.

Mr. Kocntz from committee on engrossment reported verbally that they had examined H. B. No. 7, and found the same correctly engrossed.

Report accepted.

H. B. No. 7, ordered read the third time, and the question recuring upon its final passage.

The ayes and noes being called were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, McCannon, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 18—
—Noes 0.

Ayes—18.

Noes—0.

So the bill passed and the title agreed to.

Mr. Holland gave notice that on to-morrow or some subsequent day, he would introduce

A bill for an act, to amend an act, entitled "an act regulating elections."

Mr. Garcia, from special committee to whom was referred, H. B. No. 9.

Reported as follows:

Mr. Speaker: Your committee to whom was referred

H. B. No. 9, entitled an act to amend an act, entitled "an act to define County Boundaries and to locate County seats, in Colorado Territory, beg leave to report that they have examined the same and recommend its passage.

V. GARCIA, Ch'n.

Report accepted.

The Sergeant-at-arms announced a message from the Governor by the hands of his private Secretary,

Mr. Clark, which was received and read as follows:

Executive Department Colorado Ter.,

To the Honorable—The House of Representatives of the Territory of Colorado:

Gentlemen:—I have the honor of sending to you the accompanying communication which has just been handed to me by the Hon. Secretary of the Territory.

Very respectfully, your obedient serv't,

JNO. EVANS,
Governor of Colorado Territory.

Grass Ranch, Colorado Ter.,
Huerfano Co. January 26th, 1864.

To the Honorable Samuel H. Elbert.

Dear Sir:—Circumstances over which I have no control and a serious illness, renders it imperative in me to send in my resignation as a member elect to the House of Representatives, from District No. twelve.

Very Respectfully.
B. J. McCOMAS.

Mr. Sheldon moved that H. B. No. 9 be taken up and read for consideration.

Carried.

H. B. No. 9, was read and considered, and on motion of Mr. Sheldon, ordered Engrossed for a third reading.

On motion of Mr. Kelley, the House adjourned until 10 o'clock, a. m., to-morrow.

FRIDAY, February 12th, 1864.

House met at 10 o'clock, a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Eames, Kipp, McComas, McCannon, Mallory, Nye, Patterson, Ripley.

Quorum present.

The Journal of the preceding day read and approved.

Mr. McCannon appeared and took his seat.

Mr. Kountz, from Committee on Engrossment, reported H. B. Nos. 4 and 9 correctly engrossed.

Report accepted.

Mr. Chever, from Committee on Territorial Affairs, reported as follows:

Mr. Speaker:—The Committee on Territorial Affairs, to whom was referred H. J. R. No. 3, entitled, "House Joint Resolutions relative to Territorial boundaries," respectfully report the same back to the House, amended, by striking out in the second section all between the words "oppose" and "all," and by striking ont the 3d section and substituting the following—"That the Sectetary of the Territory be requested to transmit a copy of the foregoing resolutions to our Delegate in Congress,"—and with the amendments recommend its passage.

D. A. CHEVER, Chr'n.

Report accepted.

Mr. Lynch moved that the name of B. J. McComas be stricken from the Rolls of the House.

Mr. Webster moved to amend as follows: That the resignation of B. J. McComas be accepted, and his name be erased from the Roll of the House.

Amendment carried.

The question then recurring upon motion as amended, was carried.

Mr. Leeper asked leave, in pursuance to previous notice, to introduce

H. B. No. 10, entitled an act to encourage prospecting for Mines and Minerals,

Which was read a first and second time by its title.

Mr. Kountz, having given previous notice, asked leave to introduce

H. B. No. 11, entitled, "An act to suppress Gambling and Gambling Houses," which was read a first and second time by its title.

Mr. Ortega, in accordance with previous notice, asked leave to introduce

H. B. No. 12, entitled, "An act to incorporate the Dona Emelia Town Company," which was read a first and second time by its title, and referred to the Committee of the Whole.

Mr. Lynch moved that

H. B. No. 10 be ordered printed.

Carried.

Mr. White moved that

H. B. No. 11 be ordered printed, and referred to its appropriate committee.

Carried.

Mr. White moved that the House do now resolve itself into Committee of the Whole on general orders.

The House then went into Committee of the Whole—

Mr. White in the chair.

The Committee took up and considered

H. B. No. 12.

The Committee then arose.

The Speaker resumed the chair.

Mr. White, chairman of the Committee of the Whole, reported as follows:

Mr. Speaker:—The Committee of the Whole, on general file, having had under consideration

H. B. No. 12, entitled "An act to incorporate the Dona Emelia Town Company,"

Beg leave to report, that they have duly considered the provisions of the same, and report it back with the following amendments:

Add to the last section—"Not inconsistent with the laws of the United States in relation to Town Sites;"

And recommend its passage.

M. C. WHITE, Chr'n.

Mr. Chever moved that the report of the Committee of the Whole be adopted.

Carried.

Mr. Sheldon moved that

H. B. No. 12 be engrossed for a third reading.

Carried.

Mr. Sheldon, in accordance with previous notice, asked leave to introduce

H. B. No. 13, entitled, "An act for the protection of Sheep,"
Which was read a first and second time by its title, and referred to Committee of the Whole.

Mr. Holland moved that

H. B. No. 3 be taken up, and read for consideration.

Carried.

Mr. Stansell moved that the report of the committee on Territorial Affairs, on

H. B. No. 3, be adopted.

Carried.

Mr. Welton gave notice that on to-morrow or subsequent day, he would ask leave to introduce a bill for an act concerning Marks and Brands.

Mr. Judd gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill for an act for the protection of Mining Claims set apart for the benefit of schools.

Mr. Marsh gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill to amend an act entitled "An act to establish the Common School system."

Mr. Judd asked leave, in pursuance to previous notice, to introduce House Joint Preamble and Resolutions No. 4, entitled, "Preamble and Resolutions relating to Immigration," which was read a first and second time by its title.

Mr. Lynch moved that they be referred to the committee on Territorial Affairs.

Mr. Holland moved to amend, by referring to a special committee of three.

Mr. Holland withdrew his motion.

Original motion carried.

On motion of Mr. Marsh the House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Nye, Patterson Ripley, Stansell and White.

Mr. Kountz, from the committee on Engrossment, reported H. B. No. 12, and H. J. R. No. 3 correctly engrossed.

Report accepted.

Messrs. Stansell and White appeared in their seats.

Mr. Marsh moved that this House do now resolve itself into Committee of the Whole on the general file.

Carried.

The House then went into Committee of the Whole for the consideration of

H. B. No. 6,

Mr. Chever in the chair.

The Sergeant at-arms announced a communication from the Council,

Which was received.

COUNCIL CHAMBER,
February 12, 1864.

MR. SPEAKER: I am instructed to inform your Honorable body that the Council have passed

C. B. No. 5,

An act to amend an act, entitled, "An Act regulating the mode of proceedings in replevin;"

Also Council Substitute to

H. J. R. No. 2:

Resolutions approving of the Administration of Abraham Lincoln, President of the United States.

Also, C. B. No. 3,

An act to locate the county seat of Summit County, and legalize certain acts therein named, herewith transmitted;

And the concurrence of your Honorable body is respectfully asked therein.

Very respectfully,
C. B. HAYNES,
Sec'y of Council.

The Committee of the Whole then arose.

On motion of Mr. Marsh, the House adjourned until 10 o'clock a. m. to-morrow.

SATURDAY, FEBRUARY 13th, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory, Nye, Patterson, Webster.

Quorum present.

Journal of the preceding day read and approved.

Mr. Leeper presented the petition of citizens of Clear Creek County, asking that the county seat of Clear Creek County be located at Empire City.

Petition received.

Mr. Webster appeared in his seat.

Mr. Marsh, from Committee on Judiciary, reported as follows:

MR. SPEAKER: Your committee, to whom was referred H. B. No. 4, beg leave to report that they have examined the provisions of the same, and recommend its passage, with the following section as a substitute for section one of said act:

SEC. 1.—That section "eight" of said act be amended as follows: Insert immediately after the word "quashed," on the last line of said section, the following—"but the main action shall not for that reason abate or be dismissed."

Respectfully submitted,

A. MARSH,

Chr'n Judiciary Committee.

Mr. Henson gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill to dissolve the bonds of matrimony between W. D. Donaldson and Ruth Donaldson.

Mr. Mc Cannon gave notice, that on to-morrow or some subsequent day, he would introduce a bill to repeal so much of the Cash Creek Park Ditch Company's Charter as relates to Clear Creek.

The following bills were read the first and second times by their titles:

C. S. for H. J. R's. No. 2.

C. B's. Nos. 3 and 5.

Mr. Lynch, in pursuance to previous notice, asked leave to introduce

H. B. No. 14, entitled, an act to incorporate the Swan River and Delaware Flats Fluming Company, which was

Read a first and second time by its title,

And referred to Committee on Incorporations.

Mr. Welton asked leave, in accordance with previous notice, to introduce

H. B. No. 15, entitled, an act concerning Marks and Brands; which was

Read a first and second time by its title.

Mr. Lynch, in pursuance to previous notice, asked leave to introduce

H. B. No. 16, entitled, an act relating to Marriages, which was

Read a first and second time by its title.

H. J. R. No. 3 was then read the third time.

The question recurring upon its final passage,

The ayes and noes having been called, were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Kountz, Kelley, Lynch, Leeper, Marsh, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, —19.

Noes—Mr. McCannon—1.
Ayes 19, noes 1.
So the Bill passed, and title agreed to.
H. B. No. 9,
Read the third time, and the question recurring upon its final passage, the
Ayes and noes being called, were,
Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Leeper, Lynch, Marsh, McCannon, Ortega, Ripley, Sheldon, Stansell, White, Welton, Webster, Woods, Mr. Speaker—20.
Noes—Mr. Kountz—1.
Ayes 20, noes 1.
So the bill passed, and title agreed to.
H. B. No. 12 read the third time.
The question recurring upon its final passage, and
The ayes and noes having been called, were,
Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kountz, Kelley, Lynch, Marsh, McCannon, Ortega, Ripley, Sheldon, Stansell, White, Welton, Webster, Woods, Mr. Speaker—20.
Noes—Mr. Leeper—1.
Ayes 20, noes 1.
So the bill passed, and title agreed to.
Mr. Leeper moved that the petition of the citizens of Clear Creek County be referred to committee on Counties and County lines.
Petition referred accordingly.
Mr. Judd gave notice, that on to-morrow or some subsequent day, he would ask leave to intoduce a bill prohibiting ranchmen from monopolizing or controlling Timber, within their preemption, in mining districts.
Mr. Ortega gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill for an act to prevent one convict from defending another.
Mr. Chever, chairman of the Committee of the Whole, reported as follows:

Mr. Speker: The Committee of the Whole have had under consideration
H. B. No. 6, a bill for an act creating a lien in favor of mechanics, in certain cases—
And report, that they have considered the same by sections, from one to eleven inclusive, and have adopted the same, amended as follows, to wit: By inserting in section one, first line, the words "persons or," between the words "or" and "Company;" also, by inserting in same section, third line, after the word

"building," the words "or on any flume used for mining or ditch purposes, for conveying water to or from mining districts or mining claims;" also, by inserting the above sentence or clause after the words "building," in 6th and 7th line, and by striking out the word "forty," in the 9th line, and substituting the word "ten"; and striking out the word "two" in 12th line, and substituting the word "one."

Also, amended section 2, by striking out in 9th line the word "ninety," and substituting the word "thirty."

Also, amended section 6, by inserting the words, "owner or propetors," after the word "employer," in 2d and 4th lines.

Also, amended Section 7, by striking out the word "may," in the first line, and substituting the word "shall;"

Also, amended Section 8, by inserting the words "flume or ditch," after the word "claims" in the 2d and 4th lines;

Also, amended Section 9, by striking out the word "two," in 2d line, and substituting the word "one".

D. A. CHEVER, Chr'n.

Report received.

Mr. Marsh moved that the House do now go into Committee of the Whole, for the further consideration of

H. B. No. 6.

Carried.

The House then went into Committee of the Whole,

Mr. Kelley in the chair.

After some time spent therein, the committee arose, and reported through their chairman as follows:

Mr. Speaker: The Committee of the Whole have had under consideration

H. B. No. 6, a bill for "an act creating a lien in favor of Mechanics, in certain cases,"

And report that they have considered the same by sections, from Section 12 to Section 24 inclusive, and adopted the same, amended as follows, to wit:

Section 12 by inserting the word "nearest" before the words "District Court," in the 2d line of said section, and striking out the word "County," in said line, and insert "District;"

Also, by striking out the word "in," in the fourth line Section 15;

Also, by striking out the word "was," in the 3d line of the 16th section, and inserting the word "were;"

Also, by striking out the word "determined," in the first line of Section 17, and inserting in lieu thereof, the word "return;"

Also, by striking out the word "due," in the first line of Section 22, and inserting therein the word "just"

JAMES KELLEY, Chr'n.

Mr. Kountz moved to adjourn until 2 o'clock p. m.

Mr. Chever moved to amend, by saying 10 o'clock a. m., on Monday next.

Amendment accepted by Mr. Kountz.

Motion lost.

Mr. Marsh moved to adjourn until 2 o'clock p. m.

Carried.

House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Nye, Patterson.

Quorum present.

The Speaker read the following communication to the House:

HON. J. B. CHAFFEE,
Speaker of the House of Representatives.

SIR:—You are respectfully requested to invite the members of the House to attend a meeting of the friends of the Bible cause, at the Presbyterian Church in this city, at 7½ o'clock, next Sabbath evening.

Very respectfully yours,
JOHN CREE,
Agent of the American Bible Society for Colorado and New Mexico.

Mr. Lynch moved that the Communication just read be spread upon the Journal of the House.

Carried.

Mr. Ripley moved that
C. B's. Nos. 3 and 5, and
C. S. for H. J. R. No. 2,
Be referred to their appropriate committees.

Carried.

The Bills were referred, as follows :

C. B. No. 5 to Judiciary Committee.

S. for H. J. R. No. 2 to Committee on Federal Relations.

C. B. No. 3 to committee on Counties and County Lines.

The Speaker called Mr. Ripley to the chair..

Mr. Chaffee, in pursuance to previous notice, asked leave to introduce

H. B. No. 17, entitled an act repealing "an act to provide for stay of proceedings on foreign indebtedness," approved Nov. 5, A. D. 1861.

Mr. Chaffee gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill to incorporate the city of Central, in Gilpin County.

The Speaker in the chair.

Mr. Marsh moved that the House do now go into Committee of the Whole for the further cesideration of

H. B. No. 6.

Carried.

The House then went into Committee of the Whole.

Mr. Henson in the chair.

After some time spent therein the Commtttee arose.

The Speaker in the chair.

The chairman of the Commilte of the Whole reported as follows:

MR. SPEAKER: The Committee of the Whole have had under consideration

H. B. No. 6, a bill for "an act creating a lien in favor of Mechanics in certain cases," and

Report that they have considered the same by sections, from Section 25 to Section 31, inclusive, and adopted the same, amended as follows, to wit:

That Section "30" be stricken out, substituting in lieu thereof, "that an act creating a lien in favor of Mechanics, in certain cases, approved November 9, 1861, and an act amendatory to an act, entitled 'an act granting a lien in favor of Mechanics in certain cases, approved August 15th, 1862', be, and the same are hereby repealed."

Also, by striking out Section 31 of said bill;

And report the bill back to the House without recommendation.

H. HENSON, Chr'n.

Report accepted

On motion of Mr. Judd, the House adjourned until 10 o'clock a. m., on Monday next.

MONDAY, FEBRUARY, 15th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory, Nye, Patterson, White.

Quorum present.

Journal of the preceding day read and approved.

Mr. White appeared in his seat.

Mr. Chever, from committee on Territorial affairs.

Reported as follows:

MR. SPEAKER:—The committee on Territorial affairs, to whom was referred that portion of the Governors Message relating to Capitol and Penitentiary Building, beg leave to report the following,

Joint memorial and resolutions, for the consideration of the House.

Report received.

H. J. memorial and resolution No. 1

Entitled memorial asking appropriation for Capitol and Penitentiary Building read first and second time by its title.

Mr. Lynch from committee on Federal Relations,

Reported as follows:

MR. SPEAKER: Your committee to whom was referred the Substitute from the Council to H. J. R. No. 2 indorsing the administration of Abraham Lincoln, have had the same under consideration and would report the same back without amendments, and recommend its passage.

JOHN T. LYNCH, Ch'n.

Report accepted.

Mr. Sheldon, from committee on Counties and County lines,

Reported as follows:

MR. SPEAKER:—Your committee to whom was referred C. B. No. 3, beg leave to report,

That they have had said bill under consideration, and that they recommend its passage, with the following amendment to-wit:

That after the word "Official" in the fifth line of section two from the bottom, the word "acts" be inserted.

A. Z. SHELDON, Ch'n.

Report received.
Mr. Koontz moved that the report be adopted.
Carried.
Mr. Ripley, from committee on Education,
Reported as follows:

MR. SPEAKER:—Your committee to whom was referred,
H. B. No. 8, after careful examination of the same, return it to the House, and recommend its passage with the following amendments, add after the word "system" in last line "approved Nov. 7th, 1861."

DAVID REPLEY, Ch'n.

Report received.
Mr. Stansell, from committee on Incorporations, reported as follows:

MR. SPEAKER:—Your committee, on Incorporations to whom was referred,
H. B. No. 14, have had the same under consideration, and ask leave to report the same back to the House and recommend its passage, with the following amendments to-wit:
In the fourth line of section five, strike out the word, 'str eam' and insert 'Swan River' in lieu thereof.
Also in section 6, after the word 'to' insert,
"Conflict with prior rights," and after the word running, eighth line in same Section, insert the word "tailings."
Also in second line of section thirteen, after the word "flume" strike out the words "in the month" and insert "on or before the first."

J. B. STANSELL, Ch'n.

Mr. Webster, in pursuance to previous notice asked leave to introduce,
H. B. No. 18, entitled an act concerning Roads and Highways, which was read first and second times by its title.
H. B. No. 17, and
H. J. M. No. 1, read first and second time by their titles.
Mr. Henson, according to previous notice, asked leave to introduce,
H. B. No. 19, entitled an act to Incorporate the Platte City Ditch Company, which was read first and second time by its title.
Mr. Lynch moved that
Council Bill No. 3, be read the third time and placed upon its final passage.
Carried.

Council Bill No. 8, read the third time, and the question being upon its final passage, the ayes and noes having been called, were:

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Kelley, Leeper, Marsh, McCannon, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, 19.

Noes—Messrs. Holland, Mr. Speaker, 2.

Ayes—19.

Noes—2.

So the bill passee and title agreed to.

Mr. Lynch moved that

H. B. No. 10, be made the special order of the day for next Friday, at 2 o'clock, p. m.,

Carried.

Mr. Lynch moved that

H. B. No. 14, be read third time, and put upon its final passage.

Motion to withdraw.

Mr. White moved that

H. B. No. 14, be engrossed for third reading.

Carried.

Mr. White moved to reconsider the motion to engross.

Carried.

The question recuring upon the motion to engross was

Lost.

Mr. White moved that the report of the committee on

H. B. No 14, be adopted.

Carried.

Mr. Ripley moved that the report of the committee on

H. B. No. 8, be adopted, and the bill placed upon its final passage.

Mr. Ripley withdrew his motion.

Mr. Stansell moved that

H. B. No. 14, be placed on general file for consideration in committee of the whole.

Carried.

Mr. Holland moved that

H. B. No. 8. be taken up for consideration.

H. B. No. 8, read and considered.

Mr. Holland moved that the report of the committee on

H. B. No. 8, be adopted, and the bill ordered engrossed for a third reading as amended.

Carried.

Mr. Marsh moved that the report of the committee on

H. B. No. 4, be adopted, and the bill ordered engrossed for a third reading as amended.

Carried.

Mr. White moved that the report of the committee on Council substitute for

H. J. R. No. 2, be adopted, and bill be read a third time and placed upon its final passage.

Carried.

Council substitute for H. J. R. No. 2, read a third time,

The question being upon its final passage, the ayes and noes having been called were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, Ortega, Ripley, Sheldon, Stansell, White, Welton, Webster, Woods, Mr. Speaker, 20—Noes—0.

Ayes—20.

Noes—0.

So the bill passed, and title agreed to.

Mr. Koontz moved that the House do now go into committee of the whole, for the consideration of H. B. No. 11.

Carried.

The House then went into committee of the whole.

Mr. Judd in the chair.

After sometime spent therein, the committee arose.

The Speaker in the chair.

Mr. Judd chairmam of the committee of the whole, submitted the following report.

Mr. Speaker:—The committee of the whole having had under consideration

H. B. No. 11, an act to surpress Gambling and Gambling-bouses, report that they have considered the same by sections from section 1 to section 5, inconclusive and adopted the same with the following amendments, to-wit:

That after the word "House" in the first line of section two the words,

"Shop tent, or other place" be inserted.

Respectfully,

LEON D. JUDD, Ch'n.

Report received.

On motion of Mr. Kelley, the House adjourned until 2 o'clock p. m.,

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AFTERNOON SESSION.

House met at 2 o'clock, p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, McCannon, Mallory, Nye, Patterson, White. Quorum present.

Mr. Chever submitted the following resolution:

Resolved, That his Excellency, Gov. Evans, be requested to furnish to the House, a copy of any correspondence he may have had with the Governor and Legislature of New Mexico in regard to the injustice done to the 1st. Regt. Col. Vol. by the Legislative Assembly of New Mexico, in ascribing to the California troops the credit of saving that Territory to the Federal Union, which was adopted.

Mr. Koontz, from the committee on Engrossment, reported H. B. Nos. 4 and 8, correctly engrossed.

Report received.

Mr. Holland moved that

H. B. No. 8, be read the third time and placed upon its final passage. Carried.

H. B. No. 8, was read third time.

The question being upon its final passage, the ayes and noes having been called, were,

Ayes—Messrs. Chever, Eames, Garcia, Holland. Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, 18.

Noes—Mr. Speaker, 1.

Ayes—18.

Noes—1.

So the bill passed, and title agreed to.

Mr. Marsh moved that

H. B. No. 4, be read a third time, and placed upon its final passage. Carried.

H. B. No. read a third time the question being upon its final passage, the ayes and noes having been called, were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, Mr. Speaker, 19.

Ayes—19.

Noes—0.

So the bill passed and title agreed to.

Mr. White appeared in his seat.

The Sergeant-at Arms, announced a communication from the Council, which was received and read.

Council Chamber,
Feb'y. 15, 1864.

Mr. Speaker:—I am instructed to inform the House that the Council has passed the following Bills.

C. B. No. 4, an act amendatory of an act to incorporate "St.

John's Church in the wilderness," and for other purposes.

Also, C. B. No. 6.

An act to enable the Pacific Telegraph Company to construct lines of Telegraph in this Territory, and protect the same.

Also, C. J. R. No. 1, herewith transmitted, and the concurrence of your honorable body, is respectfully requested therein.

C. B. HAYNES,
Secretary of Council.

Mr. Stansell moved that this House do now resolve itself into committee of the whole, on the general file.

Carried.

The House then went into committee of the whole,

Mr. Webster, in the chair.

After sometime spent therein, the committee arose.

The Speaker in the chair.

The committee of the whole, through their chairman, submitted the following report.

Mr. Speaker:—The committee of the whole, have had under consideration.

H. B. No. 11, a bill for an act suppressing Gambling and Gambling-houses and report that they have considered the same by sections, from Section 6 to Section 9 inclusive, and adopted the same with the following amendments to-wit: by striking out the word,

"Probable" in the first and second lines in section 6, also by striking out the word "May" in the twelfth line of said section and inserting therein, the word "shall."

Also by striking out in the first line of section 7, the words "one-half of" and also by striking out after the word "to", in the first line of said section, the words "the officers or persons making the complaint, and the remainder."

Also by striking out section eight of said act.

Also by striking out all after the word "after" in the 9th section of said act, and insert the words "its passage" in lieu thereof,

And report the bill back to the House, and recommend its passage with the amendments.

And your committee further report, that they have had under consideration,

H. B. No. 13,

A bill for an act for the protection of sheep, and that they have considered the same by sections, and adopted the same, and report back said bill to the House and recommend its passage.

And your committee further report that they have had under consideration,

H. B. No. 14, a bill for an act to incorporate the Swan River and Delaware Flats fluming company, and have considered the same by sections, and adopted the same with the following amendments to-wit,

Strike out the word "exclusive" in the second line of the fourth section.

Also by adding to section 7, the following proviso, "provided said time shall not exceed three days at any time during the mining season."

Also by striking out the word "laws" in section 10 and inserting therein, the words "by-laws," and report the bill back to the House with a recommendation that it pass with the above amendments.

WEBSTER, Ch'n.

Report received and on motion of Mr. Koontz, was adopted

Mr. Koontz moved that,

H. B. No. 11, be ordered engrossed as amended.

Carried.

Mr. Webster moved that

H. B. No. 18, be referred to its appropriate committee, and it was so referred.

On motion of Mr. Kelley, the House adjourned until 10 o'clock, a. m. to-morrow.

TUESDAY, February 16th, 1864.

The House met at 10 o'clock a.m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent.—Messrs. Eames, Garcia, Kipp, McCannon, Mallory, Ortega, Patterson and Sheldon.

Quorum present.

Journal of the preceding day, read and approved.

Mr. Ripley stated the cause of the absence of Mr. Sheldon, and asked that he be excused.

On motion of Mr. Holland,

Mr. Sheldon was excused for one day.

Messrs. McCannon, Garcia and Ortega appeared in their seats.

On motion of Mr. Ripley,

Mr, John A. Nye, member from the second district, came forward and was sworn in by the Speaker.

Mr. White, from the committee of ways and means, submitted the following report:

Mr. Speaker: Your committee of ways and means, to whom was referred the Auditor's and Treasurer's reports, beg leave to report, that they have had had the same under consideration.

Also,

That on to-morrow, or some subsequent day, they will introduce a bill amendatory of the revenue law—one of the features of said amendment requiring the clerks of each county to make annual returns to the Territorial Auditor, showing the condition of the Territorial revenue in his county.

M. C. WHITE, Ch'n.

Report received.

Mr. Henson gave notice that, on to-morrow or some subsequent day, he would ask leave to introduce a bill giving county commissioners certain powers.

Mr. Koontz, from the committee on engrossment, reported

H. B. No. 11 correctly engrossed.

Report received.

Mr. Stansell moved that the clerk of this House be requested to prepare and keep a daily calendar for the use and convenience of members.

Carried.

The following bills were read 1st and 2nd time by their title:

C. J. R. No. 1, and Council bills Nos. 4 and 6.

Mr. Ortega asked leave, in pursuance to previous notice, to introduce

H. B, No. 20, entitled "an act providing that one convicted person cannot defend another, which was

Read a 1st and 2nd time by its title, and,

On motion of Mr. Garcia, was

Referred to the committee on judiciary.

Mr. Koontz moved that

H B. No. 11 be taken up and read the third time and put upon its final passage.

Carried.

H. B. No. 11 was read the third time, and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Webster, Welton and Wood —19.

Noes—Mr. Speaker—1.

Ayes—19.
Noes—1.
So the bill passed and title agreed to.
Mr. Lynch moved that H. B. No. 14 be taken up and read the third time.
Motion withdrawn.
Mr. White moved that the rules be suspended for the purpose of increasing the number on standing committees by addition of new members.
Carried.
Mr. White moved that the Hon. John A. Nye, be added to the committee on Ways and Means.
Carried.
Mr. Chever, moved that Mr. Nye, be added to the committee on Territorial affairs.
Carried.
Mr. Stansell moved that Mr. Nye be added to the committee on Incorporations.
Carried.
Mr. Lynch, moved that Mr. Nye, be added to the committee on Fedural Relations.
Carried.
Mr. Lynch moved that
H. B. No. 14, be ordered engrossed for a third reading.
Carried.
Mr. Koontz. gave notice that on to-morrow or some subsequent day, he would introduce a bill for an "act providing for the collection of taxes from non-resident stock-owners.
Mr. Stansell moved that the House do now resolve itself into the committee of the whole on general file.
Carried.
The House then went into committee of the whole.
Mr. Stansell in the chair.
After sometime spent therein, the Committee arose.
The Speaker in the chair.
On motion of Mr. White, the House adjourned until 2 o'clock p. m.,

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AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.
The Speaker in the chair.
Roll called.
Absent—Messrs. Kipp, Mallory, Nye, Patterson. Sheldon.

Mr. Chever from Committee on Territorial Affairs reported as follows:

Mr. Speaker: The com. on Ter. affairs to whom was referred that portion of the Gov's Message relating to Imigration, report the following J. R. for the consideration of the House.

D. A. CHEVER, Ch'n.

Report received.

Mr. Chever, offered,

H. J. R. No. 5, entitled, H. J. R. No. 5, authorizing the appointment of agents for the encouragement of imigration, which was read first time by its title.

Mr. Koontz, from the committee on engrossment reported H. B. Nos. 14 and 17 correctly engrossed.

Report received.

Mr. Marsh moved that

H. B. No. 6, be ordered engrossed for a third reading.

Carried.

Mr. Stansell moved that the vote on the engrossment of H. B. No. 6 be reconsidered.

Carried.

The question recuring upon the original motion.

Motion lost.

Mr. Stansell moved that the report of the committee of the whole on

H. B. No. 6 be adopted.

Carried.

Mr. Marsh moved that

H. B. No. 6, be ordered engrossed as amended for a third reading.

Carried.

Mr. Lynch moved that

H. B. No. 14, be read the third time, and put upon its final passage.

Carried.

H. B. No. 14, entitled "an act to incorporate the Swan River and Delaware Flats fluming Company," was taken up and read, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, McCannon, Ortega, Stansell, White, Welton, Woods, Mr. Speaker, 17.

Noes—Messrs. Holland, Ripley, Webster, 3.

Excused, Mr. Nye.

Ayes—17.

Noes—3.

So the bill passed and title agreed to.

COUNCIL CHAMBER,
Feb'y 16, 1864.

The Sergeant-at-Arms announced a communication from the Council which was received and read as follows:

MR. SPEAKER:—I am instructed to inform the House of the passage by the Council of

C. B. No. 8, entitled an act to change the County seat of Huerfano County and relocate its County seat.

Also that they have concurred in and passed,

H. B. No. 5, an act to amend an act entitled "an act concerning judgments and executions with the following amendments.

Strike out all of section one, after the word "six" in the third line from the bottom of said section.

And strike out all of section two after the word "section" in the third line from the bottom of said section.

And add Section 5.

"That section 34, of said act be, and the same is hereby amended as follows:

Strike out the word "three" in the second line from the bottom of the fourth sub-division of said section, and insert the word "one" in lieu thereof.

And add section 6.

If any debtor be engaged in removing his or her property from this Territory, such property shall not be exempt from levy and sale under execution or attachment,

Provided, That nothing in this act contained shall be held to authorize the levying upon and selling the neccessary wearing apparel or beds and bedding of any debtor, or of the family of any debtor under any execution or attachment.

And the concurrence of your Honorable body is respectfully asked therein.

Very Respectfully,
C. B. HAYNES,
Secretary of the Council.

Mr. Stansell, chairman of the committee of the whole, reported as follows:

MR. SPEAKER:—The committee of the whole have had under consideration,

H. B. No. 15, entitled "an act concerning marks and brands," and report the same back to the house with the following amendments, and recommend the same to be referred to the committee on agriculture.

Amend second section by striking out the words "Horses, mules, cattle, sheep or hogs," where the same shall occur in said section, and insert therein, Neat cattle, horses, mares, geldings, mules, jacks, hogs or sheep."

Also, amend by adding to said section,

"That he who brands his stock with the brand of another, with the consent of the owner, shall be excused from paying the aforesaid fines.

Also, amend by inserting after the words, "Justice of the Peace," whenever the same occur in said section,

The words "or Courts."

The committee also report back,

H. B. No. 16, an act in relation to marriages, and recommend that the same be ordered printed.

I am further instructed to report that the committee have had under consideration,

H. B. No. 17.

"An act to repeal an act entitled an act to provide for stay of proceedings on Foreign Indebtedness, and report the same back to the House with the recommendation that it be engrossed for a third reading.

J. B. STANSELL, Ch'n.

Report received.

And on motion of Mr. Koontz, was adopted.

Mr. Webster, asked leave, previous notice having been given to introduce,

H. B. No. 21, entitled an act concerning fences, which on motion of Mr. Holland, was read the first time by its title.

H. B. No. 15, with amendments, referred to the committee on agriculture.

H. B. No. 16, ordered to be printed.

H. B. No. 17, ordered engrossed for third reading.

Mr. Leeper, gave notice that on to-morrow or some subsequent day he would ask leave to introduce a bill for an act to re-locate the County seat of Clear Creek County.

Mr. Kelley, gave notice that on to-morrow or some subsequent day he would ask leave to introduce a bill for an act to increase the capital stock and extend the privileges of the Jefferson County Irrigating Ditch Company.

Mr. Henson moved that,

H. B. No. 19, be referred to committee on Agricultnre.

And it was so referred.

Mr. Marsh moved that the amendments to,

H. B. No. 5, proposed by the Council be referred to the committee on Judiciary.

Carried.

The bill was referred accordingly.

Mr. Lynch, gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill to amend,

"An act" entitled "an act concerning Lode claims.

Mr. Lynch moved that the House do now go into committee of the whole on general file.

Carried.

The House then went into committee of the whole.

Mr. Lynch in the chair.

The committee soon after arose and,

The Speaker in the chair,

The committee through their chairman, reported as follows:

MR. SPEAKER:—The committee of the whole having had under consideration,

H. J. M. No. 1, entitled memorial relating to Capitol Buildings and Penitentiary, and have amended the same by striking out the word "State" and report the memorial back to the House and recommend its passage.

J. T. LYNCH, Ch'n.

Report received.

And on motion of Mr. Stansell, was adopted.

Mr. Leeper moved that,

H. J. M. No. 1, be engrossed as amended for third reading.

Carried.

On motion of Mr. Chever,

H. J. R. No. 5, was read second time by its title.

On motion of Mr. Stansell,

Council Bills, Nos. 4 and 6 were referred to committee on Incorporations C. J. R. No. 1, to committee on Territorial affairs,

H. J. R. No. 5, read for information.

The Speaker read the petition of F. J. Ebert, asking payment for maps drawn for the Territory by order of Gov. Gilpin.

Mr. Chever moved that the petition be referred to a special committee of three.

Mr. Holland moved to amend by adding "that the committee have power to send for persons and papers, amendment accepted.

Motion as amended,

Carried.

The Speaker appointed Messrs. Chever, Holland and White, such committee.

On motion of Mr. White, the House adjourned until 10 o'clock a. m., to-morrow.

WEDNESDAY, February 17th, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs. Kipp, Kelley, Mallory, Patterson.
Quorum present.
The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

Council Chamber,
February 17, 1864.

Mr. Speaker: I have the honor to inform the House that the Council has concurred in House amendments to

C. B. No. 3, an Act to locate the County Seat of Summit County, and legalize certain acts therein named.

Very respectfully,
C. B. HAYNES,
Sec'y of Council.

Mr. Stansell presented the petition of the citizens of Park County, asking for the legalization of the Mining Districts Records in Park County,

Which was read.

Mr. Kountz, from the committee on Engrossment, reported H. J. M. No. 1, and H. B. No. 6, correctiy engrossed.

Report received.

Mr. Eames submitted the following report:

Mr. Speaker: Your committee on Agriculture have had H. B. No. 15 under consideration,

And beg leave to report the same back, with accompanying substitute for the same,

And recommend its passage.

J. H. EAMES, Ch'n.

Mr. Stansell, from committee on Incorparations,
Reported as follows:

Mr. Speaker: I am ins.ructed by the Committee on Incorporations, to whom was referred

C. B. No. 6, an act to enable the Pacific Telegraph Company to construct lines of telegraph in this Territory, and protect the same,

To report, that they have had the same under consideration, and have amended the bill, by striking out section five,

And recommend the passage of the bill as amended.

I am also instructed to report

C. B. No. 4 back to the House without amendment, and

Recommend its passage.

J. B. STANSELL, Ch'n.

Report received.

Mr. Webster submitted the following report:

MR. SPEAKER: The committee on Roads and Bridges respectfully report, that they have considered

H. B. No. 18, and

Report the same back to the House, with the following amendment, to wit: Strike out the second section and insert the following in place thereof:

SEC. 2.—The Board of Commissioners shall divide their counties into suitable Road Districts, conforming as nearly as may be to the election precincts, and appoint an overseer for each district, to serve until the next general election, when, and annually thereafter, such overseers shall be elected in the same manner as other precinct officers;

And, with the amendment, recommend that it be printed.

Yours respectfully,—

S. D. WEBSTER, Ch'n.

Report received.

Mr. Welton submitted the following report:

MR. SPEAKER: The undersigned, a minority of the committee on Incorporations, to whom was referred

C. B. No. 6, "An act to enable the Pacific Telegraph Company to construct lines of telegraph in this Territory, andprotect the same,"

Beg leave to report, that we have had the same under consideration, and recommend its passage without any amendments.

N. W. WELTON,
Minority of Committee.

Mr. Marsh, from Judiciary Committee, reported as follows:

MR. SPEAKER: Your committee to whom was referred

H. B. No. 1,

Having had the same under consideration,

Would report it back without recommendation.

A. MARSH, Ch'n.

Council Amendments to H. B. No. 5 read, and

On motion of Mr. Leeper, the bill with amendments, was

Referred to Committee on Judiciary.

Notice was given, that on to-morrow or some subsequent day, the following bills would be introdeced by Mr. Judd:

A bill to incorporate the Black Hawk Gas Company.

A bill to incorporate the Central and Idaho Wagon Road Company.

By Mr. Marsh:

A bill to extend the jurisdiction of Justices of the Peace and Probate Courts, in oertain cases.

By Mr. Nye:

For the chartering of the Occidental Gas Light Company of the City of Denver.

By Mr. McCannon:

A Joint Resalution requesting Fitz John Porter to leave the Territory of Colorado within thirty days.

By Mr. Holland:

A bill to incorporate the Denver City Gas Company.

By Mr. Sheldon:

A bill to enable the School Superintendent of El Paso County to apply the School Fund of said county to the use of schools in the several school districts therein.

By Mr. Welton:

To incorporate the Denver Gas-light Company.

C. B. No. 8, "An act to change the boundaries of Huerfano County, and re-locate its county seat,"

Read 1st and 2d time by its title.

Mr. Judd, in pursuance to previous notice, asked leave to introduce

H. B. No. 22, entitled, "An act to Incorporate the City of Black Hawk," which was

Read 1st and 2d time by its title, and

Referred to Committee on Incorporations.

Mr. Leeper, in accordance with previous notice, asked leave to introduce

H. B. No. 23, entitled, "An act to establish and perpetuate titles to Lode claims, and other purposes," which was

Read a 1st and 2d time by its title, and

Ordered to be printed.

Mr. Henson, having given previous notice, asked leave to introduce

H. B. No. 24, entitled, "An act to amend an act, entitled 'an act to authorize the appointment of County Commissioners in certain cases,'" which was

Read a 1st and 2d time by its title.

Mr. Sheldon, having given previous notice, asked leave to introduce

H. B. No. 25, entitled, an act regulating Irrigation, which was
Read a 1st and 2d time by its title, and
Referred to the committee on Judiciary.
Mr. Sheldon moved that
H. B. No. 13 be ordered engrossed for a third reading.
Carried.
Mr. Chever moved that
H. J. M. No. 1 be laid on the table.
Carried.
H. B. No. 6, entitled, "An act creating a lien in favor of Mechanics in certain cases," was then taken up,
Read the 3d time, and the question being upon its final passage, the ayes and noes were,
Ayes—Messrs. Chever, Henson, Judd, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, White, Webster, Woods—12.
Noes—Messrs. Eames, Garcia, Holland, Kountz, McCannon, Ortega, Stansell, Welton, Mr. Speaker—9.
Ayes 12, noes 9.
So the bill passed, and title agreed to.
H. B. No 13, entitled ac act repealing an act providing for stay of proceeding in foreign indebtedness, approved November 5, 1862, was taken up and
Read the third time, and the question being upon its final passage, the ayes and noes were,
Ayes—Garcia, Judd, Nye, Ortega, Stansell, Mr. Speaker—6.
Noes—Messrs. Chever, Eames, Holland, Henson, Kountz, Leeper, Lynch, Marsh, Ripley, Sheldon, White, Welton, Webster, Woods—15.
Ayes 6, noes 15.
So the bill was rejected.
Mr. Stansell, in pursuance to previous notice, asked leave to introduce
H. B. No. 26, entitled, "An act to amend an act, entitled 'an act to enable road, ditch, manufacturing, and other Companies, to become bodies corporate;'" which was
Read a 1st and 2d time by its title, and
Referred to the committee on Incorporations.
The Speaker called Mr. Ripley to the chair.
Mr. Chaffee, having given previous notice, asked leave to introduce
H. B. No. 27, entitled, an act to incorporate the City of Central, which was
Read 1st and 2d time, and
Referred to Committee on Incorporations.
The Speaker resumed the chair.
Mr. Kountz, according to previous notice, asked leave to introduce

H. B. No. 28, entitled, an act to collect taxes from non-resident Stock owners, which was

Read a 1st and 2d time by its title, and

Ordered to be printed.

Mr. Webster moved that the report of the Committee on H. B. No. 18 be adopted.

Carried.

Mr. Chever moved that the title to all bills be given in the Calender.

Mr. Stansell moved that the majority report of the committee on C. B. No. 6 be adopted.

Carried.

Mr. Stansell moved that the report of the committee on C. B. No. 4 be adopted.

Carried.

Carried.

On motion of Mr. Marsh, the House adjourned until 2 o'clock, p. m.,

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AFTERNOON SESSION.

House met pursuant to adjournment, at 2 o'clock p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Kelley, Mallory, Patterson, White.

Quorum present.

Mr. White appeared in his seat.

C. B. No. 8 read for information, and,

On motion of Mr. Webster, was

Referred to a Special committee of three.

The Speaker appointed Messrs. Webster, Sheldon, and Garcia such committee.

Mr. Kountz moved that Mr. Welton be added to the committee.

Carried.

Mr. Welton's name was added to the committee.

Mr. Kountz, from committee on Engrossment, reported H. B. No. 13 correctly engrossed.

Report accepted.

Mr. Sheldon moved that H. B. No. 13 be read a third time, and put upon its final passage.

Carried.

H. B. No. 13, entitled, "An act for the protection of Sheep,"

Read the 3d time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Kountz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker.

Ayes 20; Noes none.

So the bill passed, and title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, February 17, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 9, an "Act to locate the County Seat of Costilla County;

Also, C. B. No. 10, an act to incorporate the "Old Rosey Mining, Fluming, Ground Sluicing and Hydraulicing Company,"

And the concurrence of your Honorable body therein is respectfully asked.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

Mr. Kountz, in pursuance to previous notice, asked leave to introduce

H. B. No. 29, entitled, "An act for the protection of Farmers from the depredations of Stock," which was

Read a 1st and 2d time by its title, and

On motion of Mr. Kountz, was ordered printed.

Mr. Leeper moved that

C. B. No. 4 be taken up, read a third time, and put upon its final passage.

Carried.

C. B. No. 4 was then taken up,

Read the 3d time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kountz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods—20.

Nays—Mr. Speaker—1.

Ayes 20, Noes 1.

So the bill passed, and title agreed to.

Mr. Marsh moved that the House do now resolve itself into Committee of the Whole on the general file.

Carried.

The House then went into Committee of the Whole,

M. Leeper in the chair.

After some time the Committee arose, and

The Speaker in the chair.

The Committee, through their chairman, reported as follows:

Mr. Speaker: I am instructed by the Committee of the Whole, to report that they have had H. J. R. No. 5 under consideration, and beg leave to Report it back to the House without amendment, and Recommend its passage.

J. A. LEEPER, Ch'n.

The Sergeant-at-arms announced a communication from His Excellency, Governor Evans, which was Received and read, with the accompanying documents, as follows:

Executive Department, Denver, C. T.,
February 17, 1864.

To the Honorable—The House of Representatives of the Territory of Colorado:

Gentlemen:—In response to your Resolution of the 15th instant, I have the honor to transmit the accompanying Communications, marked "A," "B," "C," "D," relating to the expulsion of the Rebels from New Mexico.

Very respectfully, your obedient serv't,

JNO. EVANS,
Governor of Colorado Territory.

Mr. Chever moved that the entire Correspondence just read be spread upon the Journal of the House, and the matter be referred to a Special Committee of five.

Carried.

JOINT RESOLUTIONS.

Whereas—During the late Texas invasion, while the Rebel hordes threatened our Territory, the gallant soldiers of California, and of our sister Territory Colorado, came to our assistance, and uniting with our patriotic and true-hearted sons, drove the invaders from the land, and

Whereas,—We deem it an act of justice that we should express to them our thanks, for having by forced marches, in an almost unprecedented space of time, reached New Mexico, and perilled their lives in defence of our homes and firesides, therefore,

Be it Resolved by the Legislative Assembly of the Territory of New Mexico—

That we tender our thanks, and the thanks of the People of

New Mexico, to the brave California and Colorado troops, for their timely aid and assistance in driving the traitors and rebels from our soil.

Resolved—That we regard the rapid march of Brigadier General James H. Carleton with the California troops across the great desert as one of the most remarkable achievements of the age; that we have the utmost confidence in the military capacity and generalship of Brigadier General Carleton; and we recommend and respectfully ask the President of the United States his appointment as Major General of Volunteers.

Resolved—That His Excellency, the Acting Governor, is hereby requested to forward a copy of the foregoing Resolutions to His Excellency, the President of the United States, and to the Governors of California and Colorado.

T. M. GALLEGOS,
Speaker of the House of Representatives.
FRANCISCO SALASAR,
Vice-President Legislative Council.

Approved, January 28, 1863.

W. F. M. ARNY,
Acting Governor New Mexico.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
DENVER, November 12, 1863.

To His Excellency the Governor, and the Honorable Legislative Assembly of the Territory of New Mexico:

GENTLEMEN—I have had the honor of receiving a copy of "Joint Resolutions," relating to the invasion of your Territory by Rebel Texan soldiers, passed by the Legislative Assembly of New Mexico, and approved January 28th, 1863—forwarded by His Excellency, Acting Governor Arny, as therein directed.

Nothing but a clear conviction that injustice was done, doubtless unintentionally, to those whose reputation it is my duty as well as my pleasure to defend, would induce me to deviate from the usual acknowledgment in such cases.

The Resolutions, while couched in the language of praise and gratitude to our Colorado troops, give them a secondary place to those not actually engaged in the campaign.

While I understand that the California troops are gallant and brave, I do not understand that they took any part in driving the rebels from your soil, as they did not arrive until after their expulsion from your Territory. I appeal to facts:

On the 21st day of February, 1862, the sanguinary battle of Val Verde near Fort Craig was fought, between the entire invading rebel force under Sibley, and the U. S. forces under Colonel, now Brigadier General Canby, then, and until after the re-

conquest, Commander of the Department of New Mexico.

Here an independent company of Colorado Volunteers, under the command of the brave Captain now Lieut. Colonel Dodd, gallantly fought side by side with the troops of New Mexico and the regular army, and with the lamented McRae and his brave men, a number of them fell on the field.

Immediately after this engagement, which resulted disastrously to our cause, leaving Col. Canby in their rear, the Rebel force marched upon and took possession of your Capital, and subsequently they proceeded towards Fort Union, for the purpose of conquering and taking possession of the remaining portion of the Territory.

On the 22d day of February, the day after the battle of Val Verde, in response to a call for aid from Col. Canby, the First Regiment of Colorado Volunteers, two independent companies having preceded them, under command of Colonel, now Brig. General Slough, marched for New Mexico; poorly clad, and with but little transportation or subsistence, they made the most *rapid march* for infantry, *on record*, on the three successive days before their arrival at Fort Union, averaging 45 miles per day.

On the 26th day of March they met and attacked the enemy in superior force and position, at Apache Canon.

On the 28th, two days afterwards, the battle of Glorietta or Pigeon's Ranch was fought.

Here, while Col. Slough engaged the enemy in front with the main body of the Colorado troops, Major now Colonel Chivington, with a small detachment, by detour, passed to the rear of the enemy, and successfully attacked and burned their transportation, baggage, and subsistence. This so crippled the enemy that they gave up the contest, and commenced their retreat.

At Paralto, on the 15th of April, a partial engagement with the retreating foe occurred, in which the Colorado troops again bore an active and honorable part.

From this time no more fighting occurred.

The Colorado and other troops, by order of Col. Canby, pursued the retreating rebels, and on the 29th of June spies officially reported to Col. Chivington, commanding the Southern District of New Mexico, that their rear-guard had retired from the Mesilla Valley, going in the direction of San Antonio, Texas. This really closed the contest, and has left New Mexico ever since, under the undisputed authority of our flag.

On the 9th of June Col. Canby wrote from Department Head Quarters at Santa Fe, to Fort Craig, that he had "no information, official or unofficial, that California troops are coming to tnis country."

On the 16th of the same month, a month after the last engagement, in another communication he says, he "cannot think

that any large force would have been sent from California without being advised of it."

The first official information of the approach of the California troops was received in a letter sent by express, at Fort Craig, in July, from Lieut. Col. Eyer, under date of Cow Springs, June 30th, (the day after the rebels were reported to have left the Mesilla Valley,) in which he says—"I have the honor to report my arrival at this place with a squadron of cavalry, consisting of one hundred and thirty men, rank and file. I am acting under orders of Brigadier General James H. Carleton, "commanding column from California," now at Tucson, dated June 17, 1863,'' &c.

The Resolutions, entirely ignoring the fact of any battle having been fought, read as follows, viz:

"JOINT RESOLUTION."

WHEREAS—During the late Texas invasion, while the Rebel hordes threatened our Territory, the gallant soldiers of California, and of our sister Territory, Colorado, came to our assistance, and uniting with our patriotic and true-hearted sons, drove the invaders from the land, and

WHEREAS,—We deem it an act of justice that we should express to them our thanks, for having by forced marches, in an almost unprecedented space of time, reached New Mexico, and perilled their lives in defence of our homes and firesides, therefore,

Be it Resolved by the Legislative Assembly of the Territory of New Mexico—

That we tender our thanks, and the thanks of the People of New Mexico to the brave California and Colorado troops for their timely aid and assistance, in driving the traitors and rebels from our soil.

Resolved, That we regard the rapid march of Brigadier James H. Carleton with the California troops across the Great Desert, as one of the most remarkable achievements of the age; that we have the utmost confidence in the military capacity and generalship of Brigadier General Carleton; and we recommend and respectfully ask of the President of the United States his appointment as Major General of Volunteers.

Resolved, That His Excellency, the Acting Governor, is hereby requested to forward a copy of the foregoing Resolutions to His Excellency, the President of the United States, and to the Governors of California and Colorado.

F. M. GALLEGHOS,
Speaker of House of Representatives.

{L. S.}

FRANCISCO SALASAR,
Vice-President of Legislative Council.

Approved, Jan'y 28, 1863.
W. F. M. ARNY,
Acting Governor New Mexico.

While there could be no objection to complimentary resolutious to the California troops alone, for their worth and valor, it is manifestly unjust to those who perilled their lives on the field of battle, so to word such resolutions as to convey the impression that the laurels belong to them for your deliverance.

A sense of duty to my Territory—of justice to her brave and patriotic soldiers, and of regard for the memory of our slain in your defence, forbid that I should receive these retolutions without returning this protest.

I have the honor to be, very respectfully,
Your obedient servant,
JOHN EVANS,
Governor of Colorado Territory.

EXECUTIVE DEPARTMENT, SANTA FE, N. M.,
February 7th, 1864.

SIR:—By the mail which leaves here to-morrow, you will receive from the Secretary of the Territory a series of Resolutions, which were passed unanimously by the Legislature lately adjourned in this city, with respect to the services rendered by the Volunteers of the Territory of Colorado, in the expulsion of the Texan forces from the limits of New Mexico, which I hope will be satisfactory to yourself, to the officers and soldiers that hastened to our rescue, and to the people of your Territory. I am quite sure that it never was the intention of the people, or of the Legislature of New Mexico, to do injustice to the brave and patriotic volunteers of Colorado, in anything that was expressed in the Resolutions of last winter. We hold in grateful recollection the timely aid shat was rendered to us in the day ot our greatest trial. We will never forget the blood that was shed by the Volunteers of Colorado in our cause, and we hold ourselves in readiness to shed the same, or a larger amount, in the cause of Colorado, whenever danger may menace her frontiers.

With the highest consideration and respect,
I remain very truly, your obedient servant,
HENRY CONNELLY,
Governor New Mexico.

To His Excellency, JOHN EVANS,
Governor C. T., Denver City.

RESOLUTIONS.

WHEREAS,—This Legislature has been informed by His Excellency, the Governor of the Territory of Colorado, that he, and the people of the aforeraid Territory, believe that they have received unintentional injustice by certain Resolutions passed by the last Legislature of this Territory, making mention of the invasion of this Territory by the Texan forces, and the part which the Colorado Volunteers took in the expulsion of the same from this Territory, therefore,

Be it Resolved by the Legislative Assembly of the Territory, That it was not, nor has it been the intention of the people of the Territory of New Mexico to do the least injustice to the valor and the sacrifices of our neighboring Territory of Colorado, nor to place in secondary position to aught, her valiant and patriotic soldiers in the defence of this Territory.

That we have not remained insensible or indifferent to the blood that flowed in our defense, and the invaluable services lent to the Territory in the hour of our danger; and we, the Representatives of the people of New Mexico take pleasure in expressing our thanks and gratitude to the brave Colorado Volunteers, assuring them on the part of our constituents a reciprocal service in helping our neighbors, when called, to our last resources.

Resolved further, That a copy of this Preamble and Resolutions be forwarded by the Honorable Secretary of the Territory to the Governor of the Territory of Colorado.

Signed: VICENTE GARCIA,
Speaker of the House of Representatives.
D. ARCHUBETA,
President of the Council.

Approved, February 3d, 1864
HENRY CONNOLLY,
Governor of New Uexico.

I, W. F. M. Arny, Secretary of the Territory of New Uexico, hereby certify that the foregoing is a true and correct copy of the original now on file in my office.

{ L. S. } In testimony whereof, I have hereunto set my hand and official seal, this, 6th day of February, A. D. 1864.

W. F. M. ARNY,
Secretary of Territory of New Mexico.

The Speaker appointed Messrs. Chever, Ripley, Lynch, Garcia and Marsh as such committee.

Mr. Koontz moved that the report of the Committee on Agriculture, on H. B. No. 15, be adopted.

Carried.

Mr. Chever moved that

C. B's. Nos. 9 and 10 be read a 1st and 2d time, by their titles, and

Referred to the appropriate committees.

Carried.

C. B. No. 9 read 1st and 2d time by its title, and

Referred to the committee on Counties and County Lines.

C. B. No. 10 read 1st and 2d time by its title, and referred to committee on Incorporations.

Mr. Welton moved that

C. S. for H. B. No. 15 be read 1st and 2d time by its title, and referred to its appropriate committee.

Carried.

C. S. for H. B. No. 15 read 1st and 2d time by its title, and

Referred to the Committee on Agriculture.

On motion of Mr. Judd, the House adjourned until 10 o'clock a. m., to-morrow.

THURSDAY, February 18th, 1864.

The House met at 10 o'clock a.m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent.—Messrs. Kipp, Mallory, Patterson.

Quorum present.

Journal of the preceding day, read.

Mr. Chever moved that that portion of the journal referring to Fitz John Porter, be expunged.

The ayes and noes being called for were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Ortega, Ripley, Webster, Welton, Mr. Speaker, 10.

Noes—Messrs. Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Sheldon, Stansell, White, Woods, 12.

Ayes—10.

Noes—12.

Motion Lost.

So the journal stands approved.

Mr. White presented a remonstrance from the citizens of Mountain City and Gregory Point, against being included in the Incorporation of Central City.

Which was read, and on motion of Mr. Marsh, was referred to the committee on Incorporation.

Mr. Chever, from committee on Territorial Affairs, reported as follows:

Mr. Speaker:—The committee on Territorial Affairs to whom was referred,

C. J. R. No. 1, report the same back to the House amended by striking out the word "Banner" and substituting the word "Flag," and with this amendment recommend its passage.

D. A. CHEVER, Ch'n.

Report received.

Mr. Eames, from the committee on Agriculture reported as follows:

Mr. Speaker:—Your committee on Agriculture to whom substitute for,

H. B. No. 15, was referred, beg leave to report the same back and recommend its passage.

J. H. EAMES, Ch'n.

Report received.

Mr. Marsh, from committee on Judiciary reported as follows:

Mr. Speaker:—Your committee to whom was referred,

H. B. No. 5, with Council Amendments, beg leave to report that they have had the same under consideration and recommend the concurrence of the House in the Council amendments.

Respectfully Submitted,

A. MARSH, Ch'n.

Report received.

H. B. No. 5, entitled "an act concerning judgments and executions," was read with amendment proposed by Council.

Mr. Marsh moved that the House concur in the Council amendment to,

H. B. No. 5. Carried.

Mr. Holland, in pursuance to previous notice, asked leave to introduce,

H. B. No. 30, entitled "an act to incorporate the Denver Gas Light Company," which was read the first and second time by its title, and referred to the committee on Incorporation.

Mr. Kelley, in accordance with previous notice, asked leave to introduce H. B. No. 31, entitled "an act to increase the capital stock, and extend the privileges of the Jefferson County Irrigating Ditch Company, which was read a first and second time by its title, and referred to the committee on incorporations.

Mr. Judd, having given previous notice asked leave to introduce,

H. B. No. 32, entitled "an act to incorporate the Black Hawk City Gas Company" which was read a first and second

time by its title and referred to the committee on Incorporations.

Mr. Welton, having given previous notice, asked leave to introduce,

H. B. No. 33, entitled "an act to incorporate the Denver City and Araria Gas Light Company," which was read a first and second time by its title, and referred to the committee on Incorporations.

Mr. Sheldon, pursuant to previous notice asked leave to introduce,

H. B. No. 34, entitled an act to enable the Superintendent of Common Schools, of El Paso County, to apply the school fund of said County, to the use of schools in the several districts thereof; which was read a first and second time by its title, and referred to the committee on Education.

Mr. Holland moved that,

C. B. No. 6, be referred to the committee of the whole.

Carried.

Mr. Marsh, moved to lay H. B. No. 1 on the table.

Carried.

Mr. White, from select Committee, reported as follows:

MR. SPEAKER:—The Chairman of the committee, to whom was referred that portion of the Governors Message relating to the Pacific Railroad, respectfully reports.

That the committee unites with his Excellency in his recommendations to offer proper inducements to influence the location of the road through the settlements of this Territory that we acknowledge with pride the truth that Colorado Territory is "not lo be regarded in the light of a supplicant for the favor of having the road through our Territory, and that she "hasas many benefits to confer as to receive."

That the recommendation of the Governor in his Message relating thereto, are worthy of careful consideration. That we, recommend that a committee of three be appointed to confer with His Excellency, Governor Evans, in relation to such recommendations, and to report suitable resolutions to this House for their consideration.

M. C. WHITE, Ch'n.

Report received.

And on motion of Mr. Sheldon, was adopted.

In accordance with the report.

The Speaker appointed,

Messrs. White, Judd and Henson, such committee.

Mr. White moved that the House do now resolve itself into committee of the whole on the general file.

Carried.
The House then went into committee of the whole.
Mr. Sheldon in the chair.
After sometime spent therein, the committee arose.
The Speaker in the chair.
The Speaker received, and read a communication from the committee of arrangements for the celebration of Washington's birth-day, extending an invitation to the members of the House.
Communication received.
On motion of Mr. Koontz, the House adjourned until 2 o'clock, p. m.,

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AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.
The Speaker in the chair.
Roll called.
Absent—Messrs. Eames, Kipp, McCannon, Mallory, Patterson, White.
Quorum present.
Mr. Sheldon, chairman of the committee of the whole reported as follows :

Mr. Speaker :—I am instructed by the committee of the whole to make the following report,
Having had,
C. J. R. No. 1, under consideration,
Adopted the same, and recommend its passage by the House with the following amendments to-wit.
Strike out the word "Banner" and insert the word "Flag."
Also, strike out the last resolution and insert the following as a substitute.
Resolved, That a copy of these resolutions be sent to Col. J. M. Chivington, Commanding this District, with the request that the same be read to his command, and that the Secetary of the Territory be requested to forward a copy of the same to Col. J. H. Ford, to be read in like manner, and also, that a copy be furnished to the different Newspapers in this Territory for publication.
Also, C. B. No. 6.
And after sometime spent therein, the House arose without any recommendation.

A. Z. SHELDON, Ch'n.

Report received,

And on motion of Mr. Leeper, was adopted.

Mr. Holland, moved that,

H. B. No. 24, be taken up for consideration.

Carried.

H. B. No. 24, was then read and considered, and on motion of Mr. Holland, was ordered engrossed for a third reading.

Mr. Lynch, moved that,

H. B. No. 16, be taken up for consideration.

Carried.

H. B. No. 16, entitled "an act relating to Marriages" was then taken up and considered.

Mr. Ripley moved that the last two words "and relations" in the second section be stricken out.

Carried.

Mr. Webster moved to strike out the word "cousins" in third line of section 2, and transpose the word "and" between the words "Aunts" and "Nephew."

Motion Lost.

Mr. Chever moved to insert the word "and" between the words "Aunts" and "Nephews" and add the words "of first degree" after the words "cousins" in third line, section 2.

Carried.

Mr. Lynch moved that section 2 be adopted.

Carried.

Mr. Koontz moved that the word "and" be striken out and insert the word "or" in sixth line of section two.

Motion Lost.

Mr. Chever moved that the word "knowingly" be inserted between the words "shall" and "contract" in the first line, and before the word "solemnize" in the second line of section three.

Carried.

Mr. Nye moved a substitute for section three, motion lost.

Mr. Lynch moved to amend section 4 by adding,

Provided, That nothing in this section shall be construed so as to allow bigamy in this Territory.

Carried.

Mr. Holland moved that the words "and places" in last line of section 4 be striken out.

Carried.

Mr. Webster moved that the words "or Polygamy" be inserted after the word "bigamy" in section 4.

Carried.

Mr. Chever moved to strike out the word "every" and insert "any." Also, the word "and" and insert "or" in section 5.

Carried.

Mr. Chever moved to insert the word "knowingly" between the words "shall" and violate in the second, sixth and seventh

lines of section 6.

Carried.

Mr. McCannon, appeared and took his seat.

Mr. Chever moved to insert the word "such" between the words "every" and "officer" in fifth line of section 7.

Carried.

Mr. Lynch moved that the bill under consideration be referred to a special committee of three.

Carried.

The Speaker appointed Messrs. Lynch, Garcia and Welton, such committee.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER,
Feb'y. 18, 1864.

MR. SPEAKER:—I am instructed to inform the House that the Council has passed C. B. No. 7, an act for the collection of debts in certain cases, and for the benefit of insolvent debtors herewith transmitted, and the concurrence of your Honorable body therein, is respectfully requested.

Very respectfully,
C. B. HAYNES,
Sec'y of the Council.

Mr. Judd gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill securing to James Miller, of Gilpin County, certain rights.

On motion of Mr. Kelley, the House adjourned until 10 o'clock to-morrow.

FRIDAY, February 19th, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Chever, McCannon, Kipp, Mallory, Patterson, White.

Quorum present.

Journal of the preceding day read and approved.

Messrs. Chever, White and McCannon appeared in their seats.

Mr. Ripley, from the Committee on Education, submitted the following Report:

Mr. Speaker,—Your committee, to whom was referred
H. B. No. 34, having carefully examined the same,
Report it back to the House, and recommend the passage thereof without amendment.

DAVID RIPLEY, Ch'n.

Report received.

Mr. Sheldon, from committee on County and County Lines, reported as follows:

Mr. Speaker,—Your committee to whom was referred
C. B. No. 9, beg leave to report, that they have had such bill under consideration, and do respectfully
Recommend its passage.

A. Z. SHELDON, Ch'n.

Report received.

Mr. Kountz, from the committee on Engrossment, reported H. B. No. 24 correctly engrossed.

Report received.

Mr. Kountz moved that the report of the committee on Education be adopted.

Motion lost.

Mr. Stansell moved that the free use of this Hall be tendered to the venerable J. L. Thompson, on Wednesday evening next, for the purpose of delivering his lecture on Geology.

Carried.

Mr. Chever moved the adoption of the following resolution:

Resolved,—That from and after this date, no bill of a private nature shall be introduced into this House, unless sufficient printed copies thereof for the use of the members shall have been furnished to the Sergeant-at-arms.

Motion lost.

Mr. White gave notice, that on to-morrow the committee of Ways and Means will introduce a bill, entitled "An act to amend an act, to organize and establish the Treasury Department."

C. B. No. 7, "An act for the collection of Debts, in certain cases, and for the benefit of insolvent debtors,"

Read 1st and 2d time by its title, and

On motion of Mr. Kelley, ordered printed.

Mr. White, previous notice having been given, asked leave to introduce

H. B. No. 35, entitled, "An act to amend an act, entitled an act to provide for the Collection of Revenue," which was

Read a 1st and 2d time by its title, and

On motion of Mr. White, ordered printed.

Mr. Welton, in pursuance to previous notice, asked leave to introduce

H. B. No. 36, entitled "An act for the protection of Farmers in certain localities," which was

Read a 1st and 2d time by its title.

Mr. Judd, in pursuance to previous notice, asked leave to introduce

H. B. No. 37, entitled, "An act protecting James Miller, of Gilpin County, in certain rights," which was

Read a 1st and 2d time by its title.

H. B. No. 34 was then read for consideration, and

On motion of Mr. Sheldon, was

Ordered engrossed for a third reading.

Mr. Marsh, from the committee on Judiciary, reported as follows:

Mr. Speaker,—Your committee, to whom was referred

C. B. No. 5, beg leave to report, that they have had the same under consideration, and recommend the passage thereof, with the following amendments:

Add at the end of Section 6, the following:—"Or shall recover a judgment for the value of the property, or so much thereof as he may prove himself entitled, at his election."

Add at the end of Section 11, the following:—"And when the case has been commenced in the Justice of the Peace or Probate Courts, and it shall appear upon the return of the writ that the defendant has not been personally served, and no appearance be entered for him, the Justice or Probate Court shall continue the case ten days, and immediately cause a notice to be printed in three of the most public places in the neighborhood of said Justice, (or near as may be,) as in cases of attachment against non-resident defendants before Justices of the Peace.

Respectfully submitted,

A. MARSH, Ch'n.

Report Received.

Mr. Lynch, from Select Committee, made the following report:

Mr. Speaker,—Your Committee to whom was referred

H. B. No. 16, have, according to order, had the same under consideration, and have directed me to

Report the same back to the House with the following amendments, to wit:

Insert after the word children, in the 5th line of Section 2:—"Provided that nothing in this Section shall be construed so as to prevent the people living in that portion of the Territory acquired from New Mexico from marrying according to the customs of that country."

Also, strike out in Section 8 and second line, the words—"and shall be allowed for each entry of the same, fifty cents, to be paid by the parties to the marriage."

J. T. LYNCH, Ch'n.

Report received.

Mr. Holland moved that

C. J. R. No. 1 be taken up for consideration.

Carried.

C. J. R. No. 1, was then read and considered, and on motion of Mr. Holland was

Read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—22.

Ayes, 22; Noes, none.

So the bill passed.

Mr. Lynch moved that

H. B. No. 16, with the report of the committee thereon, be taken up for consideration.

Carried.

H. B. No. 16 was then taken up, and considered.

Mr. Lynch moved the adoption of the following enacting clause: Be it enacted by the Council and House of Representatives of Colorado Territory.

Carried.

Mr. Ripley moved to adopt the following additional section: "All fins and penalties accruing under this act, shall be paid into the County Treasury for the use of Common Schools, in which the offence was committed.

Carried.

Mr. Chever moved that the further consideration of the bill be deferred until to-morrow afternoon.

Motion withdrawn.

Mr. Lynch moved that the amendments proposed by the Select Committee be adopted.

Carried.

Mr. Chever renewed his motion to defer.

Carried.

Mr. Marsh moved that this House do now resolve itself into Committee of the Whole.

Carried.

The Sergeant-at-Arms announced a communication from the Council which was received and read as follows:

COUNCIL CHAMBER, Feb'y 19, 1864.

MR. SPEAKER: I have the honor to inform the House that the Council has passed

C. B. No. 16, an act to Incorporate the Beaver Creek Ditch and Fluming Company, in Park County, C. T.

C. B. No. 17, a bill for an act to exclude Traitors and Alien Enemies from courts of justice in this Territory, in civil cases.

Also, of their concurrence in and passage of

H. J. R. No. 3, "relating to Territorial Boundaries."

H. B. No. 9, a bill for an act to amend an act, entitled, "An act to define County Boundaries and to locate County Seats in Colorado Territory."

H. B. No. 12, an act to incorporate the Dona Emelia Town Company herewith transmitted;

And the concurrence of your Honorable Body therein is respectfully asked.

Very respectfully,
C. B. HAYNES,
Sec'y of Council.

The House then went into Committee of the Whole.

Mr. Marsh in the chair.

After sometime spent therein, the Committee arose.

The Speaker in the chair.

Mr. Marsh, chairman of the Committee of the Whole, asked leave to report this afternoon.

Granted.

On motion of Mr. Stansell, the House adjourned until 2 o'clock, p. m.,

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AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Judd, Kipp, Mallory, Patterson, Ripley.

Mr. Ripley appeared in his seat.

Mr. Marsh submitted the following Report:

Mr. SPEAKER—The chairman of the Committee of the Whole, having had under consideration

H. B. No. 15, an act concerning Marks and Brands,
Beg leave to report as follows:

That Sections 1, 2, 3 and 4 were severally read and adopted. That the following additional section was added thereto: "All fines and penalties incurred by the provisions of this act, shall be paid into the County Treasury, for the use of common schools of the Territory."

That proposed Section "Six," together with amendments submitted herewith, were, on motion, laid on the table.

Respectfully submitted.

A. MARSH, Ch'n.

Report received.

H. B. No. 10 being the special order of the day, was taken up and considered.

Mr. Stansell moved to strike out the words "twenty-five," in 5th line of Section 1, and insert in lieu thereof, the word "fifty."

Motion withdrawn.

Mr. Stansell moved to amend, by striking out the words "twenty-five feet radius around," in 5th line of Section 1, and insert in lieu thereof, the words "fifty feet in width, and five hundred feet in length, in such direction as he or they may designate from such stake."

Mr. Leeper moved to substitute as follows: Strike out all between the word "within" in 5th line, and the word "so" in 6th line and insert the following,—"one hundred feet each way from said stake, on the line of the crevice, by fifty feet in width."

Amendment accepted.

Carried.

Mr. Woods moved to strike out the word "five," in 7th line of Section 1, and insert "two."

Mr. Henson moved to amend the amendment, by striking out "two," and inserting "one."

Mr. Henson moved to strike out the word "five," in the 2d line of Section 3, and insert the word "three."

Carried.

Motion as amended carried.

Mr. Sheldon moved to insert the word "having," between the words "stake" and "inscribe, in 3d line of Section 3.

Carried.

Mr. Holland moved to amend Section 4, by striking out all between the word "claim" in 2d line, and "that" in 3d line, and insert—"until he shall give satisfactory evidence to the Recorder by the oral or written testimony of two witnesses."

Mr. White moved to amend the amendment, by inserting between the words "located" and "that," in 3d line of Section 4, the words, "within ten days after the discovery thereof."

The amendment as amended was then adopted.

Mr. Marsh moved to reconsider the vote on the amendment to the amendment.

Carried.

The question recurring upon the amendment to the amendment,

The motion was lost.

Mr. White moved as a substitute to the amendment, as follows: Insert between the words "located" and "that," in 3d line of Section 4, the words, "shall within twenty days after the discovery thereof."

Carried.

The motion as amended was then adopted.

Mr. Holland moved to strike out Section 4.

Motion lost.

Mr. Henson moved to strike out Section 5.

Motion lost.

Mr. Marsh moved to amend Section 7, by inserting the words "from the discovery," between the words "direction" and "he," in 4th line.

Carried.

Mr. Sheldon moved to amend, by striking out the words "School purposes," in 4th line of Section 7, and inserting the words, "benefit of the Territorial School fund.

Carried.

Mr. Lynch moved to add the following section:

Sec. —. It shall be the duties of the District Recorders in each of the organized Counties of this Territory within thirty days from the passage of this act, to file in the County Clerk's office of their respectice counties all books and papers, and other warrants of title relating in any manner to Lode claims; all records made in District Recorder's books after the said thirty days, bhall be and are hereby declared void.

Any District Recorder failing to comply with the provisions of this act, shall be fined not less than fifty, nor more than five hundred dollars—said fine to be collected before any Court having competent jurisdiction.

Mr. Leeper moved te amend the proposed section, by striking out the words "thirty," and insert "sixty" in lieu thereof.

Amendment accepted.

Mr. Leeper moved that the further consideration of the bill be deferred until Wednesday next, at 2 o'clock p. m.

Carried.

Mr. Koontz, from committee on Engrossment, reported H. B. No. 34 correctly engrossed.

Report received.

Mr. Sheldon moved that the rules be suspended, and H. B. No. 34 read a third time, and putupon its final passage.

Carried.

H. B. No. 34, entitled, "An act to enable the Superintendent of common Schools in El Paso County to apply the school fund of said county to the use of schools in the several School Districts thereof," was taken up,

Read a third time, and the question being upon its final passrge, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Leeper, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Mr. Speaker—20.

Noes, none.

Ayes, 20— noes 0.

So the bill passed. Title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, Feb'y 19, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed

H. B. No. 11, a bill for an act to suppress Gambling and Gambling Houses, with ths following amendments, to-wit:

By adding to Section 5, the following:—"And if any such marshall, sheriff, policeman, constable, or Justice of the Peace, shall know of such gambling house being kept, and shall neglect or refuse to inform the proper officers, so that the keeper or keepers thereof shall not be dealt with by law, such offices shall be declared vacant by the County Commissioners, and other officers shall be appointed by them, to serve until the next election.

And substitute the following for Section 7:

SEC. 7.—One half of the fines collected under this act, shall go to the officer or person making the complaint, and the remainder to the County, to be used for the support of common schools."

Also, H. B. No. 1—bill for "an act authorizing the Board of Directors of School District number one, in Jefferson County, to levy a tax."

Also, has passed

C. B. No. 10, an act concerning Forcible Entry and Detainer, and unlawful detain:

And the concurrence of your Honorable Body is respectfully requested therein. Very respectfully,

C. B. HAYNES,
Sec'y of Council.

C. B. No. 5 was then read for consideration.

Mr. Holland moved that the bill be ordered printed.

Motion withdrawn.

Mr. Marsh moved the adoption of the amendments proposed by the committee on Judiciary.

Carried.

Mr. Holland moved that the bill be ordered printed.

Motion lost.

On motion of Mr. McCannon the House adjourned until 10 o'clock, a. m., to morrow.

SATURDAY, February 20th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Eames, Judd, Kipp, Mallory, Patterson, White.

Quorum present.

Journal of the preceding day read and approved.

Messrs. Judd and White appeared in their seats.

Mr. Chever from the committee on enrollment reported,

C. B. Nos. 1, 3, and 4, and Council substitute to,
H. J. R. No. 2, correctly enrolled.

Report received.

Mr. Marsh from committee on judiciary reported as follows:

Mr. Speaker:—Your committee to whom was referred,

H. B. No. 25, having had the same under consideration beg leave to report

That they would recommend the passage thereof, with the following amendments.

That section two be amended by adding the following.

Provided, That in all cases where any ditch, dyke, cutting or flume shall intersect, traverse or cross any high-way or p ublic road, it shall be the duty of the person or persons, owning such ditch, dyke, cdtting or flume, to bridge the same in such manner as that such road shall not be empaired thereby.

That there shall be added the following section:

Sec. 21st. That all forfeitures provided under the provisions of this act, may be recovered before any Court having competent jurisdiction.

Sec. 22. This act shall take effect and be in force from and after the passage thereof.

Report submitted.

A. MARSH, Ch'n.

Report received.

Amendments proposed by Council to,

H. B. No. 11, was then taken up and considered.

Mr. Holland moved that the House do disagree to the Council amendment to section five.

Carried.

Mr. Lynch moved that the House do concur in Council amendment to section 7.

Carried.

Mr. Marsh moved that standing rule, No. 38, be amended by striking out the word "ten" and insert "nine," so that the reguar hours of daily meeting of this House hereafter shall be nine o'clock a. m.,

The ayes and noes having been ordered were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton, Woods, 16.

Noes—Messrs. Chever, Kellog, McCannon, Stansell, Mr. Speaker, 5.

Ayes—16.

Noes—5.

So the motion prevailed.

Notice that the following bills would be introduced, was given, by Mr. Leeper.

A bill explanatory to an act entitled "an act concerning Lode claims.

By. Mr. Judd,.

A bill for the Denver and Pacific Waggon Road Company,

C. B's Nos. 16, 17 and 18, were read a first and second time by their titles.

Mr. Marsh moved that,

H. B. No. 25, be taken up for consideration.

Carried.

House bill No. 25, was read by sections for consideration.

Mr. Koontz moved that the bill be ordered printed.

M. Sheldon moved to amend by adding with the amendments recommended by the Committee.

Amendment accepted.

Motion as amended adopted.

C. B. No. 5, an act to amend an act, entitled an act regulating the mode of proceeding in replevin, was then taken up, and on motion of Mr. Marsh, was read third time and placed upon its passage.

The ayes and noes having been called were,

Ayes—Messrs. Chever, Garcia, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Mr. Speaker, 15.

Noes—Messrs. Holland, Kelley, McCannon, Welton, 4.
Ayes—15.
Noes—4.
So the bill passed and title agreed to.
Mr. Lynch moved that
C. B. No. 9, be taken up for consideration.
Carried.
C. B. No. 9, an act to locate the County seat of Costilla County, was taken up and considered,
And on motion of Mr. Ripley, was read a third time and placed upon its final passage.
The ayes and noes having been called were,
Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton, Woods, Mr. Speaker, 19.
Noes—Mr. McCannon, 1.
Ayes—19.
Noes—1.
So the bill passed and title agreed to.
Mr. Chever, presented the petition of F. J. Stanton, asking compensation for compiling and indexing the statutes of the first session of the Legislature of Colorado Territory, which was received and read, and on motion of Mr. Marsh, amended by Mr. Ripley, was referred to a special committee of three with power to send for persons and papers.
The Speaker appointed Messrs. Marsh, Ripley and Nye such committee.
H. B. No. 24, an act to amend an act entitled an act to authorize the appointment of County Commissioners in certain cases, was read a third time, and the question being upon its final passage, the ayes and noes were,
Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 21.
Ayes—21.
Noes—0.
So the bill passed and title amended by substituting the word "special" for the word "certain" and then agreed to.
Mr. Welton moved to take up,
H. B. No. 15.
Motion withdrawn.
Mr. White in pursuance to previous notice asked leave to introduce,
H. B. No. 38, an act to amend an act authorizing the establishing of the Treasury department.

Which was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Marsh moved that the House do now go into committee of the Whole on,

H. B. No. 15.

Carried.

The House then went into committee of the Whole.

Mr. Koontz in the Chair.

After a short time spent therein the committee arose.

The Speaker in the Chair.

The Chairman of the committee of the Whole reported as follows:

MR. SPEAKER:—The committee of the whole have had under consideration,

H. B. No. 15, and report the same back to the House with a recommendation that it pass.

J. A. KOONTZ, Ch'n.

Report received.

Mr. Webster moved that,

H. B. No. 15, be read for consideration.

Carried.

H. B. No. 15, was then read and considered.

Mr. Henson, moved to insert the word "Jack" before the word "Asses" whenever the word occurs in the bill.

Motion lost.

Mr. Garcia moved that the bill be indefinitely postponed.

The ayes and noes being ordered were,

Ayes—Messrs. Garcia, Kelley, Stansell, Mr. Speaker, 4.

Noes—Messrs. Chever, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton, Woods, 17.

Ayes—4.

Noes—17.

So the motion was lost.

Mr. Garcia moved to adjourn until 2 o'clock, p. m.,—Lost.

Mr. Webster moved that,

H. B. No. 15, be ordered engrossed for a third reading.

Carried.

On motion of Mr. Chever, the House adjourned until 2 o'clock p. m.,

AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment.
The Speaker in the Chair.
Mr. Stansell, moved that the House take a recess of fifteen minutes.
Carried.
At the expiration of the time the Speaker called the House to order.
Roll called.
Absent—Messrs. Eames, Kipp, Lynch, Mallory, Patterson.
Quorum present.
Mr. Leeper gave notice that on to-morrow or some subsequent day he would ask leave to introduce a bill to Incorporate the Rocky Mountain Prospecting Company.
Mr. Stansell gave notice that he would on Monday or some subsequent day introduce a bill to re-locate the Capital of Colorado Territory.
Mr. Marsh moved that,
H. B. No. 16, be read for consideration.
Carried.
H. B. No. 16, was then read and considered.
Mr. Ripley moved to defer the further consideration of the bill.
Mr. Chever moved to amend so as to make it the special order of the day, for Thursday next at 2 o'clock p. m.,
Amendment accepted.
Motion as amended, adopted.
Mr. Stansell moved that,
C. B. No. 6, be taken up and read a third time, and put upon its final passage.
Carried.
Mr. Holland raised a point of order on a question of facts.
Which was sustained by the Chair, and calender ordered amended.
Mr. Holland moved that,
C. B. No. 17, be taken up for consideration.
Carried.
C. B. No. 17, was taken up, and read for consideration.
And on motion of Mr. Holland, was referred to the committee on judiciary.
Mr. Stansell moved that this House do now resolve itself into committee of the whole on,
C. B. No. 6.
Carried.
The House then went into committee of the Whole.

Mr. Judd in the chair.

After a short time spent therein, the committee arose and,

The Speaker in the chair,

The Chairman of the committee of the Whole, reported as follows:

Mr. Speaker:—The committee of the whole have had under consideration,

C. B. No. 6, and report back the same without recommendation.

L. D. JUDD, Ch'n.

Report received.

Mr. Holland moved that,

C. B. No. 6, be read for information.

Carried.

C. B. No. 6, was then taken up and read.

Mr. Holland moved the adoption of the following additional section.

Section. 5. Any Telegraph Company to be entitled to the benefits of this act,

Shall establish an office at, or in any city through or near which their line runs, when the inhabitants of such city shall request them to do so.

Mr. Webster moved a substitute as follows:

That the said Company shall be requested to keep open an office for the transmission of messages at the Capitol of the Territory.

Provided their line passes through the same.

The Speaker decided the motion out of order.

The question being upon Mr. Holland's motion, was lost.

Mr. Henson moved to adjourn until 10 o'clock a. m., on Tuesday next. Lost.

Mr. Stansell moved that the rules be suspended and,

C. B. No. 6, read a third time and put upon its final passage.

The ayes and noes being ordered were,

Ayes—Messrs. Chever, Garcia, Leeper, McCannon, Nye, Sheldon, Stansell, White, Woods, Mr. Speaker, 10.

Noes—Messrs. Holland, Henson, Kelley, Ortega, Ripley, Webster, Welton, 7.

So the rules were not suspended.

Mr. Stansell, from the committee on Incorporations reported as follows:

Mr. Speaker:—Your committee to whom was referred,

H. B. No. 31, an act to increase the capital stock, and extend the privileges of the Jefferson County Irrigating, Ditching

Company, have had the same under consideration and ask leave to report the same back to the House, with the following amendments to-wit:

After the word "exceed" in the fourth line, strike out the word "one" and insert the word "three".

Also, after the word "exceed" in eighth line, strike out the word "there" and insert the word "are."

Also by adding section 4, as follows:

Sec. 4. That said Company shall at no time be permitted to divert the whole of the water in said Clear Creek from its original channel, nor shall they at any time divert the water of said Clear Creek, from its original channel to the damage or detriment of Farmers, Ranchmen, or others along the line of said creek whose rights are prior to those granted by the provisions of this act."

And with these amendments recommend its passage.

J. B. STANSELL, Ch'n.

Report received.

Mr. White moved that the report be adopted.—Lost.

On motion of Mr. McCannon, the House adjourned until 10 o'clock, a. m., on Tuesday next.

Carried.

TUESDAY, February 23rd, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Eames, Kipp, Mallory, Nye, Patterson.

Quorum present.

Journal of the preceeding day read.

Mr. Sheldon moved to expunge from the Journal the notice given by himself on Saturday, in regard to the invasion of Patriotic Ladies.

Carried.

The Journal as corrected, was then approved.

Mr. Nye appeared in his seat.

Notice that on to-morrow, or some subsequent day the following bills would be introduced was then given.

By Mr. Welton.

A bill to incorporate the Excelsior Ditch Company.

By Mr. Stansell,

A bill to re-assign the Territory into Judicial Districts, and provide for the holding of Courts therein.

By Mr. Holland,

A bill prohibiting County Treasurers, and other County and Territorial Officers, from speculating in County Scrip.

By Mr. Marsh,

A bill to authorize the County Commissioners of Gilpin County, to pay persons certain claims for serving as Jurors in the District Court.

Mr. Leeper in pursuance to previous notice, asked leave to introduce,

H. B. No. 39, an act "explanatory to an act concerning Lode Claims," which was read a first and second time by its title.

Mr. Kelley moved that, H. B. No. 31, be taken up and read for consideration.

Carried.

H. B. No. 31, was then read for consideration.

Mr. Chever moved to amend by adding to section 3 as follows.

"*Provided*, That if any owner or lessee of any land adjacent or convenient to said ditch, or any branch thereof, shall apply to said company, for water for the purpose of Irrigating such ground, and said company having it in their power to grant such request, shall refuse or neglect to furnish the same, such neglect or refusal, shall work a forfeiture of this charter.

Carried.

Mr. Koontz, moved that the amendments recommended by the Committee on Incorporations, be adopted.

Carried.

Mr. Kelley moved that the bill as amended be ordered engrossed for a third reading.

Carried.

Mr. Koontz moved that,

H. B. No. 29, be referred to a special committee of three.

Carried.

The Speaker appointed,

Messrs. Koontz, Garcia and Webster such committee.

Mr. Koontz moved that,

H. B. No. 36, be referred to Committee on Agriculture.

Carried.

Mr. Webster moved that House substitute for,

C. B. No. 8, be recommended to the Committee on Counties and County Lines.

Carried.

Mr. Judd moved that,

H. B. No. 37, be referred to a special committee.

Carried.

The Speaker appointed,

Messrs. Judd, Marsh, and Ripley, such committee.

Mr. Koontz, from Committee on Engrossment reported,
H. B. No. 15, correctly engrossed.
Report received.
Mr. Stansell moved that,
C. B. No. 6, be taken up, read a third time and put upon its final passage.
Carried.
C. B. No. 6, was then read a third time.

Mr. Ripley moved the adoption of an additional section as follows:

"Sec. 5. That all fines incurred by the provisions of this act, shall be paid into the County Treasurers Office in the county where the offense shall have been committed for the use of Common schools.
Carried.

Mr. Welton moved that the further consideration of the bill be indefinitely postponed.
The ayes and noes being called for, and ordered were,
Ayes—Messrs. Garcia, Holland, Henson, Kelley, Lynch, Ortega, Webster, Welton, Woods, 9.

Noes— Messrs. Chever, Judd, Koontz, Leeper, Marsh, McCannon, Nye, Ripley, Sheldon, Stansell, White, Mr. Speaker 12.
Ayes—9.
Noes—12.
So the motion was lost.
Mr. Welton moved that the bill be made the order of the day for next Saturday.
Carried.
The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER,
Feb'y. 20, 1864.

MR. SPEAKER:—I am instructed to inform the House that the Council has passed the following bills, and the concurrence of your honorable body is respectfully requested therein.
C. B. No. 2, an act providing for an appropriation for printing the laws in the Spanish language.
C. B. No. 13, an act to Incorporate the Denver Manufacturing and Milling Company.
C. B. No. 21, an act to amend an act, entitled an act concerning Injunctions, approved Nov. 5th, 1861.
C. B. No. 14, an act to incorporate the Denver Artesian Well Company.

Herewith transmitted.

And also that the Council has concurred in House amendments to C. J. R. No. 1.

Very respectfully,
C. B. HAYNES,
Sec'y of the Council.

Mr. Koontz, moved that,

H. B. No. 15, be read a third time and placed upon its final passage.

Carried.

H. B. No. 15, was then taken up and read a 3rd time, and the question being upon its final passage the ayes and noes were

Ayes—Messrs. Chever, Holland, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, McCannon, Ripley, Sheldon, White, Webster, Welton, Woods, 15.

Noes—Messrs. Garcia, Henson, Nye, Ortega, Stansell, Mr. Speaker, 6.

Ayes—15.

Noes—6.

So the bill passed and title agreed to.

Mr. White from the committee on ways and means, presented the following communication, which was received and read.

TREASURER'S DEPARTMENT COLORADO TERRITORY,
DENVER, CITY, February, 20th, 1864.

Hon. M. C. White, Chairman Com. of Ways and Means.

SIR:—I desire to call your attention to an item in my report under the head of "indebtedness of the Territory" of $100 due Attorney Gen. Brown, for Legal services.

I have often found it necessary to ask for legal advice in matters pertaining to the duties of my office, and found it to be most proper to employ an Attorney by the year, to answer any and all legal questions that might arise in different parts of the Territory. Hence I took the responsibility of engaging Gen. Brown for one year from March 1st, 1863. He has rendered services which I am able to say, and show has resulted in great good to the Territory financially.

I would therefore suggest that the Auditor be authorized by resolution or otherwise, to pay this indebtedness by issuing a warrant for the same upon the general contingent fund.

I have the honor to be respectfully,
M. M. DELANO,
Auditor of Colorado.

Mr. Lynch moved that,

H. B. No. 23 be taken up for consideration.

Carried.

H. B. No. 23, was then read for consideration.

Mr. Holland moved to strike out section 1 of the bill.

Mr. Marsh moved that the further consideration of the bill be deferred until to-morrow at 10 o'clock, a. m.,

Mr. Leeper moved to amend so as to make it the special order of the day for Thursday next, at 10 o'clock, a. m.,

Amendment accepted.

Motion as amended adopted.

Mr. Holland moved that,

C. B. No. 16, be taken up for consideration.

Carried.

C. B. No. 16, was then read and considered, and ordered placed on general file.

Mr. Lynch moved that,

C. B. No. 18, be referred to committee on judiciary.

Carried.

Mr. Leeper moved that,

H. B. No. 18, be taken up for consideration.

Carried.

H. B. No. No. 18, was then read and considered.

Mr. Marsh moved to strike out section 13.

Mr. Ripley moved to amend by adding a proviso to section 13 as follows:

Provided, That this section shall not apply to roads in the mountains.

Carried.

The question then being upon striking out the section as amended, was lost.

Mr. Kelley moved to strike out all of the first line of section one after the word "Highways."

On motion of Mr. Holland, the House adjourned until 2 o'clock, p. m.,

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Koontz, Marsh, Mallory, Patterson, White, Welton.

Quorum present.

The consideration of,

H. B. No. 18, was then resumed.

The question being upon the motion to strike out all of the

first line of section 1 after the word Highways.

Carried.

Mr. Chever, appeared in his seat.

Mr. Leeper moved to strike out the words "twenty-one" in 4th and 5th, lines of section 5 and insert "eighteen" in lieu thereof.

Carried.

Mr. Sheldon moved to strike out the word "may," in fifth line of section six, and insert "shall" in lieu thereof.

Carried.

Messrs. White and Koontz appeared in their seats.

Mr. Leeper moved to fill the blank in second line of section five with the word "fifty."

Carried.

Mr. Lynch moved to strike out the word "six" in fourh line of section ten and insert the word "ten."

Carried.

Mr. Wood moved to strike out the word "October," in third line of section ten and insert "September."

Lost.

Mr. Kelley moved to strike out the word "two," in seventh line of section twelve, and insert "three."

Carried.

Mr. Webster moved to strike out section "thirteen" and insert the following in lieu thereof:

"Territory and county roads shall not exceed sixty feet in width—other roads shall not exceed thirty feet in width.

Lost.

Mr. Ripley moved to amend section fourteen by adding the words "and be liable to the party injured thereby."

Carried.

Mr. Henson moved that the words "Justice of the Peace," in the third and fourth lines of section fourteen be stricken out and the words "court having competent jurisdiction" be inserted in lieu thereof.

Carried.

Mr. Stansell moved to reconsider the vote on motion to strike out the word "October," in third line of section ten, and inserting the word "September."

Carried.

The question recurring upon the original motion was

Carried.

Mr. Leeper moved to reconsider the vote on the motion to fill the blank in section five with the word "fifty,"

Lost.

Mr. Ripley moved that the bill be engrossed as amended for a third reading.

Carried.

Mr. Koontz, from special committee, reported as follows:

MR. SPEAKER: Your select committee, to whom was referred H. B. No. 29, an act for the protection of farmers from the depredations of stock, beg leave to report the same back to the House with the following amendments, to wit: by striking out of the first line of section one all between the words "that" and "cattle" and inserting "all" instead thereof.

Also,

By striking out all between "sheep" and "be" in the second line of said section and inserting in lieu thereof "which shall hereafter be within the boundaries of Arapahoe, Douglas and Weld counties shall," also, section six, by striking out in second line "the counties of" and substituting "any counties not named in section one of this act" and recommend the passage of the same with the above amendments.

J. A. KOONTZ, Ch'n.

Report received.

The sergeant-at-arms announced a communication from the Council, which was received and read as follows:

COUNCIL CHAMBER,
February 23, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills:

C. B. No. 19, an act to enable soldiers in the United States service to acquire and hold claims.

Also,

C. B. No. 20, an act to legalize and confirm the entry of the town site of Golden City.

Also,

Council substitute for—

H. B. No. 7, (herewith returned) an act to legalize assessments of property for revenue purposes, in certain cases, herewith transmitted, and the concurrence of your Honorable body is respectfully requested therein.

Very respectfully,
C. B. HAYNES,
Secretary of Council.

Mr. Judd moved that the report of the committee on H. B No. 29 be adopted.

Carried.

Mr. Koontz moved that the bill be ordered engrossed as amended for a third reading.

Carried.

Mr. Leeper, in accordance with previous notice, asked leave to introduce H. B. No. 40, entitled an act to incorporate the Rocky Mountain Exploring, Prospecting and Mining Company.

Mr. Stansell, having given previous notice, asked leave to introduce

H. B. No. 41, entitled an act to re-locate the Capitol of Colorado Territory.

Mr. Lynch gave notice that he would, on to-morrow or some subsequent day, introduce a bill to incorporate the Central City and Montgomery Wagon Road Company.

On motion of Mr. Stansell,

The House adjourned until to-morrow, at 10 o'clock a. m.

WEDNESDAY, February 24th, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson, Ripley.

Journal of the preceding day read and approved.

On motion of Mr. Sheldon, Mr. Ripley was excused for the day.

Mr. Leeper presented a petition from citizens of Clear Creek County, asking for the removal of the county seat from Idaho to Empire, which was received and read,

And referred to the committee on County and County Lines.

Mr. Chever, from the committee on Enrollment, reported

H. B's Nos. 3, 5, 8, 9 and 12 correctly enrolled.

Report received.

Mr. Sheldon, from committee on Counties and County Lines, reported as follows:

Mr. Speaker—Your Committee, to whom was referred

H. S. for C. B. No. 8, having had the same under consideration, recommend its passage, with the following amendment, to wit:

"*Provided*, That if the line last mentioned in this Section, shall, when surveyed, intersect the Arkansas river above the mouth of Beaver Creek, then said boundary line shall be as follows, to wit:—Commencing at said point of intersection, thence down and along the centre of said river, to a point intersected

by the first meridian section line below the mouth of said Beaver Creek; thence north on said first section line to the township line between townships seventeen (17) and eighteen (18); thence west on said township line, to the range line between ranges sixty-eight (68) and sixty-nine (69); thence north on said range line to the place of beginning.

A. Z. SHELDON, Ch'n.

Report received.

Mr. Marsh, from committee on Judiciary, reported as follows:

Mr. Speaker—Your committee, to whom was referred

C. B. No. 17, a bill entitled, "An act to exclede Traitors and Alien Enemies from Courth of Justice in this Territory, in civil cases,"

Beg leave to report, that they have had the same under consideration, and

Recommend the passage thereof.

A. MARSH, Ch'n.

Report received.

Mr. Ortega moved that the committee on Judiciary be requested to report on H. B. No. 20.

Carried.

Mr. Marsh, from committee on Judiciary, gave notice that he would report on the bill to-morrow morning.

Notice that the following bills would be introduced, was given:

By Mr. Sheldon:

An act to revise an act, entitled, an act to incorporate the Ute Pass Wagon road Company, approved August 8, 1862.

By Mr. Eames:

A bill to incorporate the Ralston Creek and Black Hawk Road Company.

By Mr. Koontz:

A bill for the location of a Territorial Road from Denver City via Pueblo, to the south line of Colorado Territory.

Mr. Koontz, from the committee on Engrossment, reported H B. Nos. 18, 29 and 31 correctly engrossed.

Report received.

C. B's, Nos. 2, 7, 13, 14, 19, 20 and 21, were read a 1st and 2d time by their titles, and referred as follows:

Nos. 19, 20 and 21, to the committee on Judiciary.

Nos. 13 and 14 to the committee on Incorporations.

No. 2 to committee on Ways and Means.

Mr. Webster moved, that

C. S. for H. B. No. 7 be referred to a Special Committee.

Carried.

The Speaker appointed Messrs. Webster, White and Koontz as such committee.

H. B's. Nos. 40 and 41, were read a 1st and 2d time by their titles, and

Referred to the committee on Incorporations.

H. S. for C. B. No. 8, and C. B. No. 17,

Ordered placed on general file.

H. B. No. 31, an act to increase the capital stock, and extend the privileges of the Jefferson County Irrigating Ditch Company, was

Read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega' Sheldon, Stans ell, White, Webster, Welton, Woods, Mr. Speaker—22.

Noes—none.

Ayes, 22; noes, none.

So the bill passed, and title agreed to.

H. B. No. 18, an act concerning Roads and Highways, was

Read a 3d time, and put upon its final passage.

Mr. Garcia moved to add the following Section:

"This act shall not affect the Counties of Conejos and Costilla."

Motion lost.

Mr. Holland moved to adopt an additional Section, as follows:

"All acts and parts of acts conflicting with this act, are hereby repealed."

Carried.

The question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Holland, Henson, Judd, Koontz, Kelley, Leeper, Marsh, McCannon, Nye, Sheldon, Stansell, White, Webster, Woods, Mr. Speaker—18.

Noes—Messrs. Garcia, Ortega, Welton—3.

Ayes, 18; noes, 3.

So the bill passed, and title agreed to.

H. B. No. 29, an act for the protection of Farmers from the depredations of Stock, was

Read a 3d time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Sheldon, Stansell, White, Welton, Webster, Woods—16.

Noes—Messrs. Eames, Henson, Kelley, Ortega, Mr. Speaker, —5. Ayes, 16; noes, 5.

So the bill passed.

Mr. Koontz moved to amend the title, by inserting between the words "Farmers" and "from," the words, "in Arrapahoe, Douglas and Weld Counties."

Carried.

The title as amended agreed to.

Mr. Sheldon moved that

H. B. No. 25 be taken up for consideration.

Carried.

The chairman of the committee on Printing stated, that

H. B. No. 25 was then in the hands of the printer.

H. B. No. 39 was referred to the committee on Mines and Minerals.

Mr. Welton moved to take up

H. S. to C. B. No. 8 for consideration.

Carried.

H. S. for C. B. No. 8 was read and considered.

Mr. Welton moved that the amendments proposed by the Committee on the bill be adopted.

Carried.

Mr. Webster moved that the bill be ordered engrossed, for a third reading.

Carried.

Mr. White, from Special Committee, reported as follows:

MR. SPEAKER—The Committee to whom was referred

H. B. No. 38, an act to amend an act to organize and establish the Treasury Department,

Beg leave to report the same back, and recommend its passage.

M. C. WHITE, Ch'n.

Report received.

Mr. Marsh moved that

C. B. No. 17 be taken up for consideration.

Carried.

C. B. No. 17 was read and considered.

Mr. Judd moved to amend No. 17 in the Rules of the House, by striking out all after the word "day," in 3d line.

The ayes and noes being ordered and called, were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, White, Webster, Welton, Woods, Mr. Speaker —19,

Noes—none. Ayes, 19; noes, none.

So the motion prevailed.

Mr. Marsh moved that

C. B. No. 17 be considered, read a 3d time, and placed upon its final passage,

Carried.

C. B. No. 17 was then considered read a third time.

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, White, Webster, Welton, Woods, Mr. Speaker —19. Noes—none.

Ayes, 19; Noes, none.

So the bill passed, and title agreed to.

On motion of Mr. Sheldon, the House adjourned until 2 o'clock, p. m.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The Speaker in the chair,

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson and Ripley,

Quorum present.

H. B, No. 10 being the special order for the hour, was taken up and considered.

Mr. Leeper moved that the bill with its amendments be laid upon the table.

Carried.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, Feb'y 24, 1864.

MR. SPEAKER: I am instructed to inform the House of the passage by the Council of

C. B. No. 11, an act explanatory of the charter of the Clear Creek and Guy Gulch Wagon Road Company, and your concurrence therein is respectfully asked.

Also, that the Council has receded from from their amendment to section 5, in

H. B. No. 11, an act to suppress gambling and gambling houses, herewith returned.

Very respectfully,

C. B. HAYNES,

Sec'y. of Council.

Mr. Holland moved that

H. B. No. 25 be taken up for consideration.

Carried.

H. B. No. 25 was then taken up, and read for consideration.

Mr. Chever moved to amend, by inserting after the word "river," in 5th line of section 1, "or ditch leading water under a charter, and for the purposes of irrigation, from any stream of water, creek or river."

Motion lost.

Mr. Sheldon moved to amend by striking out the word "under," in the first line of section 21, and by striking out the word "heard," and inserting the word "recovered."

Carried.

Mr. Marsh moved to amend Section 13, by adding thereto as follows: "And the Board of County Commissioners of the proper county shall appoint any person or persons to fill any vacancy or vacancies, by reason of such refusal or neglect to serve on the part of such Commissioners until the next election for officers."

Carried.

Mr. Sheldon moved that the bill be ordered engrossed as amended, for a third reading.

Carried.

Mr. McCannon presented the resignation of Mr. Howard, which was received and read, as follows:

To the Honorable—The Speaker and Members of the House of Representatives:

Circumstances compel me to resign the office of fireman of yonr House, which you were so condescending as to bestow; I therefore offer this, my resignation, and beg you will accept the same.

Very respectfully,

J. K. HOWARD.

Mr. Woods moved that the resignation of Mr. Howard be accepted.

Carried.

Mr. Stansell moved that the use of this Hall be extended to Mr. J. R. Thompson, for the purpose of delivering his lecture on Geology, on to-morrow evening.

Carried.

Mr. Marsh asked leave, in pursuance to previous notice, to introduce

H. B. No. 42, an act to authorize the County Commissioners of Gilpin County to pay certain jurors fees, which was

Read a 1st and 2d time by its title,

And referred to the committee on Judiciary.

Mr. White moved to amend Rule 13 of the rules of the House by striking out all after the word "chair."

The ayes and noes being ordered, were

Ayes—Messrs. Eames, Garcia, Judd, Koontz, Marsh, Ortega, Shelton, White, Welton—9.

Noes—Messrs. Chever, Holland, Kelley, Lynch, Leeper, Mc Cannon, Nye, Stansell, Webster, Woods, Mr. Speaker—11.

Ayes, 9; noes, 11.

So the motion was lost.

Mr. Nye, previous notice having been given, asked leave to introduce

H. B. No. 43, an act to incorporate the Occidental Gas-Light Company, of the City of Denver, which was

Read a 1st and 2d time by its title, and

Referred to the committee on Incorporations.

Mr. Woods moved that the House do now proceed to elect a fireman.

Carried.

Mr. McCannon nominated Mr. Robert Short.

The ayes and noes being ordered, were for Mr. Short,

Ayes—Messrs. Eames, Garcia, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, McCannon, Nye, Ortega, Sheldon, Webster, Welton, Woods, Mr. Speaker—16.

Noes—Messrs. Chever, Holland, Henson, Stansell, White—5.

Ayes, 16; noes, 5.

So Mr. Short was declared duly elected, and came forward, and was sworn in by the Speaker.

Mr. Koontz, from committee on Engrossment, reported

H. S. to C. B. No. 8 correctly engrossed.

Mr. Webster moved that

H. B. No. 35 be taken up, and read for consideration.

Carried.

H. B. No. 35 was then read and considered, and

On motion of Mr. Sheldon, was made the special order of the day for Friday next, at 2 o'clock p. m.

Mr. White moved that

H. B. No. 38 be read for consideration.

Carried.

H. B. No. 38 was read and considered, and

On motion of Mr. White, was

Ordered engrossed for a 3d reading.

Mr. Koontz moved that

H. B. No. 28 be taken up for consideration.

Carried.

H. B. No. 28 was then read and considered.

Mr. Koontz moved to amend Section 6, by strikikg out the

words "the Territory," in 2d and 3d lines, and inserting the words—"said County."

Carried.

On motion of Mr. White, the House adjourned until 10 o'clock a. m. to morrow.

THURSDAY, February 25th, 1864.

The House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory and Patterson.

Journal of the preceding day read and approved.

Mr. Marsh, from the committee on judiciary, submitted the following report:

Mr. Speaker: Your committee, to whom was referred

H. B's. Nos. 42, 40 and 20, and C. B's. Nos. 18, 20 and 21, having had the same under consideration, and recommend the passage of

H. B's. Nos. 40 and 42, and C. B's. Nos. 20 and 21 without amendment.

Your committee would further recommend the passage of substitute to

H. B. No. 20, submitted herewith, and

Also,

That the following section be added to C. B. No. 18:

Sec. 19. In all cases of a tenancy from year to year between persons in this Territory, three month's notice to quit shall be deemed sufficient to terminate the same.

A six months tenancy may be terminated by a notice of one month; and a ten day's notice to quit shall be sufficient to terminate a monthly tenancy.

Sec. 20. This act shall take effect and be in force from and after its passage.

Respectfully submitted,
A. MARSH, Ch'n.

Report received.

Mr. Koontz, from committee on engrossment, reported

H. B's. Nos. 25 and 38 correctly engrossed.

Report received.

Mr. Stansell, from committee on incorporations, reported as follows:

Mr. Speaker: Your committee to whom was referred C. B.

No. 14, an act to incorporate the Denver Artesian Well Company, ask leave to report the same back to the House without amendment and recommend its passage.

J. B. STANSELL, Ch'n.

Report received Mr. Leeper from the committee on mines and minerals made the following report:

Mr. Speaker:—Your committee to whom was referred, H. B. No. 39, "an act entitled an act concerning Lode claims would respectfully report that they have had the same under consideration, and hereby report the same back to the House and recommend its passage, with the following additional section:

Sec.—. That section 1 of said act be amended by striking out the word "surface" in the 4th line, and inserting the word "horrizontal" in lieu thereof.

All of which is respectfully submitted.

J. E. LEEPER, Ch'n.

Report received.

Mr. Chever from special committee submitted the following report:

Mr. Speaker: Your special committee to whom was referred the Petition of F. J. Ebert, asking compensation for a map of Colorado Territory, made by him and used by the Legislature of this and previous sessions, report,

That they have had before them, all the witnesses necessary to throughly understand the same and find that the allegations therein contained are true.

That the said maps was made by the said Ebert, under the orders of Governor Gilpin, for the use of the Legislative Assemblies or the military authorities of the Territory; that it was indispensable to the first Legislative Assembly, enabling them in the utter absence of any other reliable map to divide this Territory into Counties and Judicial Districts; and your committee believe from all the information they have been able to procure, and which they deem sufficient, that the said F. J. Ebert was one hundred and one days in completing said map, and that the labor performed thereon, was worth five hundred and five dollars, [the sum which the petitioner claims for the same but your committee also find that at the time the said map was ready for the joint committee of the first Legislative Assembly, and was used by them for the establishment of County lines, the said Ebert had labored sixty days thereon, and that the balance of time spent by him on said map, was

for the purpose of preparing the same for lithographing, and that they do not think the Territory is justly chargeable therefor.

Your committee accordingly report that F. J. Ebert worked sixty days upon said map for use of this Territory, that his services were worth five dollars per day, and that they believe the sum of three hundred dollars is justly due him from the Territory.

D. A. CHEVER Ch'n.

Report received.

Mr. Judd from special committee reported as follows:

MR. SPEAKER:—The committee to whom was referred,

H. B. No. 37 "an act to secure unto James Miller of Gilpin County, certain rights" report the same back to the House without amendment and recommend its passage.

LEON D. JUDD Ch'n.

Mr. Webster, from select committee, to whom was referred Council substitute for,

H. B. No. 7, have examined the same and report it back to the House with the recommendation that it be passed.

Respectfully submitted.

S. D. WEBSTER, Ch'n.

Report received.

C. B. No. 11, was read first and second time by its title.

The Sergeant-at-Arms announced a message from the Governor, which was received and read as follows:

EXECUTIVE DEPARTMENT, DENVER, C. T.,
February 24, 1864.

To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:

SIR:—I have the honor to inform the House that I have signed and approved the following Joint Resolutions and Laws, viz.

Joint Resolutions,

Relative to Territorial Boundaries.

An act to authorize the Board of Directors of School District No. 1 in the County of Jefferson, to levy a tax.

An act to amend an act entitled an act concerning judgments and executions.

An act to incorporate the Dona Emelia Town Company.

An act to amend an act entitled an act to define County

boundaries, and to locate County Seats in Colorado Territory.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado Territory.

Mr. Stansell in pursuance to previous notice, asked leave to introduce,

H. B. No. 44, "an act to divide the Territory of Colorado into judicial Districts and to provide for the holding of Courts in the same, which was read a first and second time by its title.

Mr. Eames having given previous notice asked leave to introduce,

H. B. No. 45, "an act to Incorperate the Ralston Creek and Black Hawk Wagon Road Company," which was read a first and second time by its title.

Mr. McCannon in accordance with previous notice, asked leave to introduce,

H. B. No. 46, an act to repeal that part of the Cash Creek Park Ditch Company's charter, which includes Clear Creek.

Which was read a first and second time by its title.

Mr. Marsh moved that substitute to H. B. No. 20, be ordered engrossed for a third reading.

Carried.

Mr. Judd asked leave of absence for one day, which was granted.

The sergeant-at-arms announced a communication from the Council, which was received and read as follows:

Council Chamber,
February 24, 1864.

Mr. Speaker—I am instructed to inform the House of the passage by the Council of C. B. No. 22, "an act to incorporate the Denver Seminary."

And the concurrence of your honorable body therein is respectfully requested.

Also, that they have concurred in, and passed,

H. B. No. 4, "an act to amend an act entitled an act regulating the mode of proceedings in attachment in certain cases" with the following amendments thereto viz.

Amend Sec. 1, so as to read as follows:

"That section 8. of an act entitled "an act regulating the mode of proceedings in attachment in the District Courts, approved Oct. 29th, 1861, shall be, and the same is hereby amended as follows:

Add immediately after the word "quashed" in the last line of

said section the following "And the property attached shall be released from such attachment, and restored to the possession of the defendant, and the garnishee, if any shall be discharged, but the writ of attachment in cases commenced by attachment shall, nevertheless stand as a summons, and the cause shall proceed to trial and judgment as if originally commenced by summons.

In all cases of attachment in aid of a suit at law, quashing the attachment, shall not effect the suit otherwise than to discharge the property attached and the garnishees.

Also, amend section 2, by adding thereto the following:

"Or that the defendant is a foreign corporation.

H. B. No. 14, an act to incorporate the Swan River and Delaware Flats fluming company" with the following amendments.

Strike out the figure "six" in fourth line from the bottom of section 13, and insert instead thereof, the figure "eight" so that it shall read 1868.

I am also, instructed to inform your honorable body that the Council disagrees to House amendments to section 6 of C. B. No. 5.

An act to amend "an act entitled an act regulating the mode of proceeding in Replevin" and concur in your amendment to section 11 of the same.

Very respectfully,
C. B. HAYNES,
Secretary of the Council.

Mr. Marsh moved that C. B. No. 18, be read for consideration.

Carried.

C. B. No. 18, was then read and considered.

Mr. Marsh moved that the bill be ordered engrossed for a third reading.

Motion withdrawn.

Mr. Webster moved that the bill be referred to the committee on judiciary.

Motion withdrawn.

The bill was ordered on general file.

Mr. Marsh moved that H. B. No. 42.

Be read for consideration.

Carried.

H. B. No. 42, was then read and considered.

Mr. Marsh moved that the bill be ordered engrossed for a third reading.

Carried.

Mr. Leeper moved that;

H. B. No. 39, be read for consideration.

Carried.

H. B. No. 39, was read and considered.

Mr. Holland moved that,

The amemdments proposed by the committee be adopted. Carried.

House substitute for,

C. B. No. 8, was read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 19.

Noes—Mr. Sheldon, 1.

Ayes—19.

Noes—1.

So the bill passed and the title agreed to.

Mr. Sheldon moved that

H. B. No. 25 be considered, read a 3d time, and placed upon its final passage.

Carried.

H. B. No. 25 was considered read.

Mr. Ripley moved the adoption of the following additional section:

Sec. 22. That the County of Boulder, in the Territory of Colorado, be and the same is hereby exempted from the provisions of this act, and that the act repealed by this act, be and remain in full force and effect in and for the said County of Boulder, as fully and effectually as if the said act was not hereby repealed.

Mr. Kelley moved to amend, by inserting the words "and Jefferson," after the word "Boulder," when it occurs in the proposed section.

Amendment accepted.

Mr. Garcia moved to insert the word "Conejos," after word "Jefferson."

Lost.

The question recurring upon the adoption of the Section as amended,

The ayes and noes being ordered, were,

Ayes—Messrs. Chever, Garcia, Henson, Kelley, Ortega, Ripley, Welton—7.

Noes—Messrs. Eames, Holland, Koontz, Lynch, Leeper, Marsh, Nye, Sheldon, Stansell, White, Webster, Woods, Mr. Speaker—13.

Ayes, 7; noes 13.

So the motion was lost.

The question then being upon the final passage of the bill,

The ayes and noes were,

Ayes—Messrs. Eames, Holland, Henson, Koontz, Lynch,

Leeper, Marsh, Nye, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—13.

Noes—Messrs. Chever, Garcia, Kelley, Ortega, Ripley—5.

Ayes, 13; noes, 5.

So the bill passed, and title agreed to.

On motion of Mr. Holland, the House adjourned until 2 o'clock, p. m.,

AFTERNOON SESSION.

The House met pursuant to adjournment, at 2 o'clock, p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Judd, Kipp, Koontz, McCannon, Mallory, Nye, Patterson.

Quorum present.

H. B. No. 38 was placed upon its third reading.

Mr, Sheldon moved that it be re-committed to the committee on Ways and Means,

Carried,

Mr, Holland moved that the consideration of

H, B. No, 23, which was made the special order of the day, deferred until Wednesday next, at 2 o'clock, p. m,

Carried,

H, B. No, 16 being the special order of the hour, was then read and considered,

Mr, Chever moved to amend Section 2, by inserting after the word "void," in 4th line, the following—"and all marriages betweeen negroes or mulattoes of either sex and white persons, are also declared absolutely void."

Carried,

Mr, Chever moved to amend Section 3, by inserting in the 2d line, after the word "marriages," the words, "or shall knowingly issue a marriage license for such marriage."

Motion lost,

Mr. Marsh moved to amend Section 3, by inserting after the word "fine," in 3d line, the following—"of not less than fifty nor more than five hundred dollars;" and insert after the word "imprisonment," in 3d line of same section—"of not less than three months, nor more than two years."

Carried,

Messrs. Koontz and McCannon appeared in their seats,

Mr, Ripley moved to amend, by adding to Section 11, as follows: "that persons solemnizing such marriage shall be entitled to receive for their services the sum of two dollars in addition to the fee to be paid said recorder,"

Motion withdrawn,

Mr. Holland moved to strike out all after word "section," in 2d line of Section 3, to the word "if," in the 3d line.

Carried.

Mr. Holland moved that the bill be ordered engrossed, as amended, for a 3d reading.

Carried.

Mr. Chever, from committee on Enrollment, reported

C. B's. Nos. 9 and 17 correctly enrolled.

Report received.

Mr. Koontz, from the committee on Engrossment, reported

H. B's Nos. 20 and 42 correctly engrossed.

Report received.

Mr. Chever moved that

H. J. M. No. 1 be taken from the table.

Carried.

Mr. Chever moved that

H. J. M. No. 1 be referred to the committee on Territorial Affairs.

Notice that on to-morrow or some subsequent day the following bills would be introduced:

By Mr. Chever:

A bill for an act amendatory of an act to incorporate the Cash Creek Fluming Company.

By. Mr. Webster:

A bill for an act to amend an act, entitled an act regulating Elections.

By Mr. Woods:

A bill to incorporate the Cash Creek and Lake County Gold Mining Company.

By Mr. Marsh:

A bill for an act to legalize the acts of the Superintendent of Public Schools.

Mr. Leeper asked leave to introduce

H. B. No. 47, an act to enable Robert Steel to sell and convey certain mining claims, which was

Read a 1st and 2d time by its title, and

Referred to the committee on Judiciary.

Mr. Stansell moved that the House do now resolve itself into Committee of the Whole on H. B. No. 26.

Carried.

The House then went into Committee of the Whole,

Mr. Woods in the chair.

After some spent therein, the Committee arose.

The Speaker in the chair,

The Committee of the Whole through their chairman, reported as follows:

Mr. SPEAKER :—The Committee of the Whole, hav had under consideration

H. B. No. 26. an act to amend an act to anable Road, Ditch and other Companies to become bodies corporate, and

Report that they have considered the same from section one to section — inclusive, and recommend the following amendments, to wit:

Amend Section 1, by striking out all after the word "certificate," in the eleventh line in the printed bill.

Also, insert after the word "holding," in 10th line of Section 2 the words, "by conveying by deed, or otherwise."

Also, in Section 5, 9th line, after the word "proxy," insert, "provided one half the stock is represented."

Also, strike out the word "may," in 13th line of said section, and insert "shall," in lieu thereof.

Also, strike out in 3d line of said section, the words, "and citizens of the United States;"

And your committee report progress, and ask leave to sit again.

JOEL WOODS, Ch'n.

Report received.

Mr. Kelley moved to adjourn until 10 o'clock a. m. to-morrow.

Mr. Ripley moved to amend by making it 9 a. m.

Lost.

The question recurring upon the original motion, motion lost.

Mr. Holland moved to take up the next bill on general file.

Carried.

H. B. No. 37 was then read and considered.

Mr. Marsh moved to defer the further consideration of the bill.

Motion withdrawn.

Mr. Marsh moved that the bill be considered engrossed, and read a third time by its title, and put upon its final passage.

Carried.

H. B. No. 37, an act to secure to James Miller, of Gilpin County, certain privileges, was

Read a 3d time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods—16.

Noes—Mr. Speaker—1.

Ayes, 16; noes, 1.

So the bill passed, and title agreed to.

Mr. Marsh moved to take up the next bill on general file.

Carried.

C. B. No. 21 was then read and considered.

Mr. Sheldon moved that the bill be read a 3d time, and put upon its final passage.

Carried.

Mr. Marsh moved that the reading of the bill be dispensed with.

Carried.

C. B. No. 21, an act to amend an act, entitled "an act concerning Injunctions," approved November 5th, 1861,

Was then placed upon its final passage, and

The ayes and noes being called, were,

Ayes—Messrs. Chever, Garcia, Henson, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, Webster, Woods, Mr. Speaker—15.

Noes—Messrs. Holland, Kelley, Welton—3.

Ayes, 15 ; noes, 3.

So the bill passed, and title agreed to.

Mr. Stansell moved that the next bill on general file be taken up. Carried.

H. B. No. 40 was then taken up and considered.

Mr. Leeper vmoed that the further consideration of the bill be deferred.

Carried.

Mr. Holland moved to adjourn until 9 o'clock a. m., to-morrow. Lost.

Mr. Marsh moved to take up the next bill on general file.

Carried.

C. B. No. 20 was then taken up and considered.

Mr. Stansell moved that the bill be considered read a third time, and pleced upon its final passage.

Carried.

C. B. No. 20, an act to legalize and confirm the entry of the town site of Golden City,

Was then considered read a 3d time, and placed upon its final passage.

The ayes and noes having been called, were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, Welton, Woods, Mr. Speaker—16.

Noes—None.

Ayes, 16 ; noes, 0.

So the bill passed, and title agreed to.

On motion of Mr. Holland, the House adjourned until 9 o'clock, a. m., to-morrow.

FRIDAY, FEBRUARY 26th, 1864.

House met at 10 o'clock a. m., pursuant to adjournment.
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs. Eames, Kipp, Koontz, Mallory, Patterson, White, Welton, Woods.
Quorum present.
Journal of the preceding day read and approved.
Amendments proposed by Council to,
H. B. No. 4, were taken up and considered,
And on motion of Mr. Marsh, the House concurred in council amendments.
Amendments proposed by the Council to,
H. B. No. 14, were read and considered and on motion of Mr. Lynch,
The House concurred in the Council amendments.
House amendments to Council Bill No. 5, to which the Council disagreed, was taken up and considered, and on motion of Mr. Marsh was laid over until to-morrow.
Mr. Stansell from the committee on incorporations submitted the following report.

MR. SPEAKER—I am instructed by the committee to whom was referred,
H. B. No. 22, an act to incorporate the City of Black Hawk to report that they have had the same under consideration and have amended said bill by striking out all after "commencing" in third line of section second, to the word "thence" in tenth line, and insert the following in lieu thereof, viz.
"Two hundred feet directly west of the northwest corner of Smith and Parmlee's Bank, thence running in a direct line to the dividing stake between claims Nos. 17 and 18 southwest on the Gregory Lode, thence due south to the top of the divide between Gregory and Lake Gulches,"
And with this amendment recommend the passage of the bill.
Also, your Committee have had under consideration,
H. B. No. 27, an act to incorporate the city of Central.
And ask leave to report the same back with the following amendment and recommend its passage.
Strike out all after the word "south" in the fifth line of section two, to the word "Gulches," in the tenth line, and insert the following in lieu thereof, viz.
"Of the dividing stake between claims Nos. 17 and 18 southwest on the Gregory Lode, running thence due north to the said dividing stake, between claims Nos. 17 and 18, southwest

on the Gregory Lode, thence north-easterly to a point two hundred feet directly west of the north-west corner of Smith and Parmlee's Bank, thence running in a direct line to a point five rods above the stamp mill of Messrs. Hale & Co. in Chase Gulch, to the top of the divide between Gregory and Chase Gulches.

J. B. STANSELL, Ch'n.

Report received.

On motion of Mr Webster,

C. B. No. 11, was referred to the committee on incorporations.

C. B. No. 22, was read a first and second time by its title and referred to the committee on incorporations.

Mr. Chever having given previous notice asked leave to introduce H. B. No. 48, an act to legalize the acts of the Superintendent of Public Schools, which was read a first and second time by its title, and referred to the committeee on judiciary.

Mr. Chever in pursuance to previous notice asked leave to introduce,

H. B. No. 49, "an act concerning weights and measures,

Which was read a first and second time by its title and referred to the committee on judiciary.

Mr. Marsh in accordance with previous notice, asked leave to introduce,

H. B. No. 50, an act to increase the jurisdiction of justices of the peace and probate courts.

Which was read a first and second time by its title and referred to the committee on judiciary.

Messrs. Koontz, Woods, Welton and White appeared in their seats.

H. B. No. 20, "an act to prevent Felons from defending persons in the courts in this Territory," was then read a third time and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Welton, Woods, Mr. Speaker—20.

Noes—none.

Ayes—20.

So the bill passed and title agreed to.

H. B. No. 42, an act to authorize the County Commissioners of Gilpin County, to pay certain jurors fees.

Was read a third time and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Kooutz, Kelley, Leeper, Lynch, Marsh, Nye, Ortega, Ripley, Stansell, Sheldon, White, Welton, Woods, Mr. Speaker,

Ayes—20.

Noes—0.

So the bill passed and title agreed to.

Mr. Stansell, moved that,

H. B. No. 44, be taken up for consideration.

Carried.

H. B. No. 44, was then read and considered, and on motion of Mr. Stansell, was referred to the Committee on judiciary.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER,
Feb'y. 25, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed,

H. B. No. 13, "an act for the protection of sheep" with the following amendments to-wit:

Add section 4, "No herd or flock of sheep numbering more than twenty shall be kept or pastured for more than one week, within the limits of Denver or Golden City, or any Town or Village in either of the Counties of Costilla or Huerfano or either or any of them or within two miles of either of said cities, towns or villages.

And any owner or keeper of Sheep, or other persons who shall violate the provisions of this section, shall be fined for the use of the county in which such violation shall take place, the sum of twenty-five dollars, for each and every day that any such herd shall be kept or pastured in violation hereof, to be recovered by action instituted by any person who shall feel himself aggrieved, in the name of the people of the Territory of Colorado, and in any court of competent jurisdiction."

Also, amend title by adding after the word "sheep" the following, "and to prohibit pasturing the same in certain localities."

H. B. No. 2, a bill defining the manner of sub-dividing sections, as established by United States Surveyor in Colorado Territory with the following amendment.

Add to section 1,

"*Provided*, That all fractional quarter sections shall be so divided as to give to occupants of any part thereof, the quantity of land which shall be held to appertain to such part at any United States Land Office in this Territory.

And also, H. J. R. No. 5,

Autorizing the anpointment of agents for the encouragement of Imigration, without amendment.

And also, that the Council has passed,

C. B. No. 23, a bill for "an act to authorize Clerks of Courts of Record, Probate, Judges and Justices of the Peace, to issue subpoenas to witnesses to appear before the Register and Receiver of the Land Office" and the concurrence of your honorable body is respectfully requested therein.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

Mr. Stansell moved that the House do now resolve itself into committee of the whole on,

H. B. No. 26.

Carried.

The House then went into committee of the whole.

Mr. Ripley in the chair.

After sometime spent therein the committee arose.

The Speaker in the chair.

Mr. White moved that when a message in writing is sent to this House by the Council, that it be received and sent up to the Speaker, to be read by him or the clerk.

Carried.

On motion of Mr. White, the House adjourned until 2 o'clock p. m.,

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Koontz, Kelley, Marsh, Mallory, Nye, Patterson.

Quorum present.

H. B. No. 35, being the special order for the hour, was taken up and considered.

Mr. Sheldon moved to amend section 1 by striking out the word "3" in the third line, and inserting "5" in lieu thereof, and by striking out the word "1" in fourth line and inserting "2". Carried.

Mr. Kelley appeared in his seat.

Mr. Webster moved to strike out the third section.

Motion Lost.

Messrs. Koontz and Nye appeared in their seats.

Mr. Webster moved to strike out section 4.

Motion lost.

Mr. Sheldon moved that the bill be ordered engrossed for a third reading. Carried.

Mr. Chever from special committee submitted the following report.

MR. SPEAKER:—Your select committee, to whom the correspondence between, His Excellency Governor Evans and the Governor of New Mexico, with the accompanying documents relative to the New Mexican campaign was referred, beg leave toreport that the subject, being one which has painfully interested the soldiers and people of this Territory, has received our careful consideration.

The action of the New Mexican Legislature, in ascribing the first consideration for the services then rendered, to the California troops, was received by the Colorado soldiers and by all classes of our citizens with deep regret and astonishment.

Our troops after their victorious campaign resulting in the complete expulsion of the Texans from New Mexico. received from the people of that Territory, the most kindly treatment, dictated, without doubt, by a sentiment of gratitude for the great services performed,

Our citizens deprived of participation in the honors of that campaign, rejoiced in the glory won by our troops in the cause of our sister Territory, and appropriated to themselves a portion of the gratitude which they believed would be extended to them,

It was under such circumstances, and with such anticipations that they received the action of the New Mexican Legislature giving to the soldiers of California the greater meed of praise.

The consise and able letter of his Excellency Gov. Evans to the Governor of New Mexico, detailing the history of the campaign and showing conclusively that the Colorado troops, together with the "regulars" and New Mexican Volunteers alone accomplished the task of freeing the soil of New Mexico from Foreign invasion, and that to the Colorado troops belongs chiefly the honor and the glory; and the response of the Assembly of New Mexico, have been before us, and while your committee accept with pleasure their assurance of gratitude for the services of our troops in their behalf, and their emphatic denial of any intent to do them injustice in their resolution of thanks, Your committee regret that the Legislature did not fully meet the issue presented in the letter of our Governor, and give the first place of merit to th e troops of Colorado.

Your committee accordingly advise that this report be placed upon the Journal of this House, together with the correspondence upon the subject, as being due both to ourselves and to the truth of History,

Your Committee recommend that copies of this report and of the correspondence, be sent to the Secretary of the Territory for transmissal to the President of the United States, the Governor of California and to the Governor of New Mexico; and that the thanks of this House, be tendered to his Excellency Gov. Evans, for his able and conclusive plea for justice to our troops, and for the interest he has shown in defending the honor of our Territory.

They also recommend that a copy of the correspondence above alluded to, and of this report, be sent to the Honorable the Council of this Territory, and that the Secretary of this Territory, be requested to have the same printed for distribution to the soldiers of Colorado.

D. A. CHEVER, Ch'n.
DAVID RIPLEY,
A. MARSH.

Report received.

Mr. Webster moved that the report be adopted.

Carried.

Mr. Holland moved that the select committee appointed on the petition of F. J. Ebert, be discharged from further duties on the same.

Carried.

Mr. Koontz from the committee on engrossment reported, H. B. No. 16, correctly engrossed.

Report received.

The committee of the whole, this forenoon through their chairman reported as follows:

Mr. Speaker: The committee of the whole have had under consideration,

H. B. No. 26, an act to amend an act to enable Road, Ditch, Manufacturing and other companies to become bodies corporate.

And have considered the same, from section 12 to section 34, and recommend the following amendments to-wit:

That section 12, be so amended as to read "sections" after the word "following" in sixth line.

Also, strike out the word "Company" in the ninth line of section 15, and insert the word "Companies" in lieu thereof.

Also, strike out all of the first line, and the first two words of the second line of section 17.

Also, strike out in fifth line of section 24, the word "3" and insert "6."

Also, strike out in seventh line of same section the word "3" and insert "6."

Also, in third line of section 18, strike out the words "knowing" it to be false."

Also, insert the words "the County Commissioners or" between the words "by" and "the" in 7th line of section 30.

Also, strike out the word "gathered" in 10th line of section 31, and insert the wood "collected."

Also, in the 2d line of section 32, strike ont the word "gatherer," and insert the word "Collector."

And report progress and ask leave to sit again.

DAVID RIPLEY, Ch'n.

Mr. Holland moved that,

H. B. No. 16, be read a third time and put upon its final passage.

Carried.

Mr. Stansell moved that the bill be considered read.

Carried.

H. B. No. 16, an act relating to marriages, was considered read a third time and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr, Speaker, 20, noes—0.

Ayes—20.

Noes—0.

So the bill passed and title agreed to.

Mr. Marsh, appeared in his seat.

Mr. White moved that the House do now go into committee of whole.

Carried.

The House then went into committee of the whole.

Mr. White in the chair.

After sometime spent therein the committee arose.

The Speaker in the chair.

Mr. Koontz moved that the House do now adjourn until 10 o'clock, a. m., to-morrow.

Mr. Ripley moved to amend,

So as to make the hour 9 o'clock.

Amendment lost.

The question being open the original motion was,

Carried.

So the House adjourned.

SATURDAY, February 27th, 1864.

The House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Kelley, Mallory, Nye, Patterson.

Quorum present.

Journal of the preceding day read and approved.

Mr. Ripley moved that Doc. Kelley be excused for to-day.

Carried.

Mr. Holland presented the petition of citizens of Clear Creek County, asking that lode claims be exempted from taxation, which was received and read.

Also, a remonstrance from citizens of Clear Creek County, against the removal of the county seat,

Which was received and read,

And referred to the committee on Counties and County Lines.

Mr. Stansell, from the committee on Incorporations, submitted the following Reports:

Mr. Srpeaker: The Committee on Incorporations, to whom was referred

C. B. No. 22, "An act to incorporate the Colorado Fluming Company, have had the same under consideration, and ask leave to report the same back without amendment,

And recommend its passage.

Also, that we have had

H. B. No. 43, "Ac act to incorporate the Occiden tal Gas-light Company" under consideration, and ask leave to report the same back without amendment,

And recommend its passage.

Also, H. B. No. 30, "An act to incorporate the Denver City Gas-light Company," and ask leave to report the same back, with the following amendments, viz:

Add to Section 5—"Provided, that the said Company shall at no time issue the bonds or certificates of indebtedness of the Company to an amount exceeding fifty per cent. of the capital stock of said company."

Also, add the following:

Sec. 9. The said Company shall commence operations within six months from the passage of this act, and shall be prepared to furnish gas to the City and inhabitants of Denver within eighteen months thereafter, or forfeit all the privileges obtained by and under this act.

J. B. STANSELL, Ch'n.

Report received.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, Feb'y 26, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 26, "a bill for an act to amend an act, entitled, "an act to establish and regulate Territorial Roads;"

And also C. B. No. 28, "An act concerning Bills of Exchange, Prommissory Notes, and negotiable instruments"—herewith transmitted,

And your Honorable body is respectfully requested to concur therein.

Very respectfully,
C. B. HAYNES,
Sec'y of Council.

Mr. White, from the committee on Ways and Means, reported as follows:

MR. SPEAKER: The committee on Ways and Means, to whom was referred

H. B. No. 38, have had the same under consideration, and report the same back with the following amendment, and recommend its passage:

SEC. 8. The Auditor shall receive a salary of eight hundred dollars, and the Treasurer a salary of six hundred dollars per annum, which shall be paid quarterly out of the Territorial Treasury.

Respectfully submitted,
M. C. WHITE, Ch'n.

Report received.

Mr. Welton, from the Committee on Agriculture, submitted the following report:

MR. SPEAKER: Your committee to whom was referred

H. B. No. 36, beg leave to report the same back, with the following amendment to Section 1 of said bill, to-wit:

Add to said section—"Provided that this section shall not be so construed as to prevent the herding of such stock as may be required for the use of the owners of such plantations or farming ranches within the limits therein defined;"

And would recommed its passage.

N. W. WELTON, Ch'n.

Report received.

Mr. Chever, from committee on Enrollment, reported H. B's. Nos. 4, 11, 14, and H. J. R. No 5 correctly enrolled.

Report received.

Mr. Koontz, from the committee on Engrossment, reported H. B. No. 35, correctly engrossed.

Report received.

Mr. Marsh, from committee on Judiciary, submitted the following report:

Mr. SPEAKER: Your Committee to whom was referred C. B. No. 18, and H. B. No. 48,

Beg leave to report that they have had the same under consideration, and recommend the passage thereof.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

C. A. to H. B. No. 2 was then read and considered.

Mr. Sheldon moved that the House do concur in Council amendment.

Carried.

C. A. to H. B. No. 13 was read and considered.

Mr. Judd moved that the word "Denver" be struck out of Council Amendment,

Motion lost.

Mr. Sheldon moved to amend the Council Amendment, by adding the following thereto:

Provided, that this act shall not be coustrued to prevent the owner of such sheep from herding or pasturing the same on the land of such owner.

Carried.

Mr. Garcia gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill for an act amendatory of an act granting an exclusive right to Joseph M. Jaynes and Joseph N. Garcia, to maintain a ferry across the Rio Grande at Paso del Puerto,

Mr. Stansell gave notice, that he would on to-morrow or some subsequent day, ask leave to introduce a bill to incorporate the Golden City Gas-light Company,

C. B. No. 23, "An act to authorize clerks of Courts of Record, Probate Judges, and Justices of the Peace to issue subpœnas to wittesses to appear before the Register and Receiver of the Land Office," was

Read a 1st and 2d time by its title, and

Referred to the committee on Judiciary.

C. B. No. 26, an act concerning Bills of Exchange and Promissory Notes, and negotiable Indebtedness, was

Read a 1st and 2d time by its title, and
Referred to the committee on Judiciary.

C. B. No. 27, an act to amend an act, entitled an act to establish and regulate Territorial roads, was
Read a 1st and 2d time by its title, and
Referred to committee on Roads and Bridges.

Mr. Stansell, having given previous notice, asked leave to introduce

H. B. No. 51, "An act to legalize the records, laws and proceedings of certain mining Districts in Park County," which was
Read a 1st and 2d time by its title, and
Referred to the committee on Territorial Affairs.

Mr. Nye appeared in his seat.

H. B. No. 35, an act to amend an act providing for the collection of Revenue," was
Read a 3d time, and the question being upon its final passage,
The ayes and noes were,
Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Welton, Woods, Mr. Speaker—17.
Noes—Messrs. McCannon, Stansell, Webster—3.
Ayes, 17; noes, 3.
So the bill passed, and the title agreed to.

The chairman of the Committee of the Whole, (afternoon session yesterday,) submitted the following report:

Mr. Speaker: The Committee of the Whole have had under consideration

H. B. No. 26, an act to amend an act, to enable Road, Ditch, and other Companies to become bodies corporate, and have considered the same from Section 34 to Section 48, and beg leave to recommend the following amendments, to wit:

Strike out all of Section 38 after the 4th line, and insert as follows: "that the banks on both sides of the stream where the said bridge or ferry is to be built or established, is owned by said Company, or that they have obtained in writing the consent of the owners of the banks where the said bridge is to be built, to erect the said bridge, or establish the said ferry as aforesaid, or that the banks at such places are a public highway."

Also, strike out in 2d and 8th line of Section 44, the word "thirty," and insert the word "ninety" in lieu thereof.

Also, strike out the word "one," in 6th line of section 44, and insert "two" in lieu thereof. Also, strike out all in 7th line after the word "require."

Also, add the following section:

Sec. 48—"Nothing in this act shall be so construed as to au-

thorize any company organized under the same to issue notes or bills for circulation as money."

Also, by adding section 49, as follows:

"Sec. 49.—That any company organized under and by virtue of the provisions of an act, entitled an act to enable road, ditch and other companies to become bodies corporate, approved August 15th, 1862, may surrender their certificates to the Secretary of the Territory by the certificate of the President of said Company, filed in the office of said Secretary, and become a body corporate and politic under the provisions of this act, by complying with all and singular the provisions thereof.

Also, strike out the word "citizen," in 3d line of Section 5, and insert "resident" in lieu thereof.

Also, insert in the 6th line of section 35, between the words "by" and "the," the words "County Commissionrs, or" Also, by inserting the words, "not to exceed twenty per cent. in any one month," after the word "proper," in 3d line of section 8:

And report the same back to the House, with a recommendation that it be referred to a special committee without instructions.

M. C. WHITE, Ch'n.

Report received.

Mr. Koontz moved that the report of the Committee be adopted,

Mr. Ripley arose to a point of order, which the chair decided was not well taken.

Mr. Stansell moved as a substitnte to Mr. Koont'z motion, that H. B. No. 26, with the amendments proposed by the Committee of the Whole be referred to a special committee.

Carried.

The Speaker appointed Messrs. Stansell, Marsh and Holland such committee.

C, B, No. 5 was then taken up, and amendment by the House to Section 6, in which the Council disagreed, was read and considered,

Mr. Marsh moved that the House do recede from their amendment. Carried,

C. B. No. 6 being the special order of the day, was taken up.

Mr. Webster moved to defer the further consideration of the bill until two weeks from to-day.

The ayes and noes being ordered and called, were,

Ayes—Messrs. Garcia, Holland, Henson, Lynch, Ripley, Webster, Welton—7.

Noes—Messrs. Chever, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, Stansell, White, Woods, Mr. Speaker—13. Ayes, 7; noes, 13.

So the motion was lost.

Mr. Holland moved to lay the bill on the table.

Lost.

Mr. Welton moved to refer to a special committee.

Lost.

Mr. Holland moved that the further consideration of the bill be deferred until next Saturday.

Lost.

Mr. Sheldon moved that the bill be read a 3d time and put upon its final passage.

Carried.

Mr. Stansell moved that the bill be considered read.

Motion withdrawn.

C. B. No. 6, an act to enable the Pacific Telegraph Company to construct lines of telegraph in this Teiritory, and protect the same, was then read a 3d time.

Mr. Holland moved that the House do now adjourn until 2 o'clock p. m.

Motion lost.

The question being upon the final passage of the bill,

The ayes and noes were,

Ayes—Messrs. Chever, Judd, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Stansell, White, Woods, Mr. Speaker—12.

Noes—Messrs. Garcia, Holland, Henson, Lynch, Ripley, Webster, Welton—7.

Ayes, 12; noes, 7.

So the bill passed, and title agreed to.

On motion of Mr. Leeper, the House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The House met pursuant to adjournment, at 2 o'clock, p. m.

The Speaker in the chair,

Roll called.

Absent—Messrs. Eames, Holland, Kipp, Kelley, Mallory, Patterson and Webster.

Quorum present.

C. B. No. 22, an act to incorporate the Colorado Seminary was taken up and considered.

Mr. Ripley moved that the bill be read a third time and put upon its final passage.

Carried.

Mr. Stansell moved that the bill be considered read the third time.

Carried.

The question being upon the final passage of the bill, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Woods, and Mr. Speaker—18.

Noes—0.

So the bill passed and title agreed to.

Messrs. Holland and Welton appeared in their seats.

Mr. Marsh, from the committee on judiciary, reported as follows:

MR. SPEAKER: Your committee, to whom was referred

H. B. No. 44, having had the same under consideration, beg leave to report that they would recommend the passage thereof with the following amendments, to wit:

Amend the fifth section by inserting after the words "city of Denver," "in" the county of Arapahoe; and also add at the end of said section the following:

"And at Idaho or the County Seat of Clear Creek county, commencing on the first Tuesday in October, in each year.

Amend section 6 by inserting after the word "Pueblo," in the 7th line, "in the county of Pueblo," and after the word "Laurette," in the 9th line, insert "in the county of Park."

Amend section 8 by striking out all of section after the word "Arapahoe," in the 7th line of said section.

Also,

By striking out all of section 15 of said act.

Also,

By adding the following additional sections to be inserted in the order herein arranged immediately after section 14.

Section 15. It shall be the duty of the Deputy Clerk of the District Courts, in such counties as are hereby attached to other counties for judicial purposes, to endorse the original papers in such court, civil or criminal, now or hereafter pending in said counties, together with a certified copy of all entries made in such cause, in an envelope sealed up, and by him directed to the Clerk of the District Court of the District, and in the county to which his said county may be attached for judicial purposes, and upon the receipt of such papers by the Clerk of such District Court, it shall be his duty to open and file the same; and thereupon said cause shall be proceeded with in all respects as if originally commenced in the county in which said Court is held.

Section 16. All the business in the second judicial District now pending in the District Court, is hereby transferred to the first judicial District, as fixed by this act, and shall be proceeded with hereafter in the same manner as if originally commenced in said first judicial District; and all causes, civil or criminal,

now pending in the third judicial District, is hereby transferred to the second judicial District, as provided by this act, and shall be proceeded with in the same manner as if originally commenced in the said second judicial District.

Section 17.—The District Court of the United States, in the third judicial District, shall be held at least three times in each year, at Fort Garland, in said District, at such time as the Judge of said Court may fix, provided said time do not conflict with any term of said Court, the time of which is fixed by this act.

Respectfully submitted,
A. MARSH, Ch'n.

Report received.

Mr. Stansell, from the committee on incorporations, reported as follows:

MR. SPEAKER: The committee on incorporations, to whom was referred

H. B. No. 46, an act to rescind that part of the Cash Creek Park Ditch Company's charter that includes Clear Creek, have had the same under consideration, and ask leave to report the same back without amendment, and recommend its passage.

J. B. STANSELL, Ch'n.

Report received.

Mr. Lynch moved that

H. B. No. 44, be taken up for consideration.

Carried.

Mr. Welton moved that it be indefinitdly postponed.

Motion lost.

Mr. Webster moved that the bill be ordered printed.

Motion lost.

H. B. No. 44 was then

Read and considered.

Mr. Welton moved to amend section three by striking out the words "Park and Lake" and inserting "Costilla and Conejos."

Motion lost.

Mr. Marsh moved that the amendment proposed by the committee on judiciary to section five be adopted.

Carried.

Mr. Marsh moved that the amendment proposed by the committee to section six be adopted.

Carried.

Mr. Garcia moved to amend section seven by striking out the name of "Charles Lee Armour" and inserting "Judge Bradford."

Lost.

Mr. Marsh moved that the amendment of the committee to section eight be adopted.

Carried.

Mr. White moved to strike out section fifteen of the act.

Carried.

Mr. Ripley moved to adopt the section recommended by the committee in lieu thereof.

Carried.

Mr. McCannon moved to adopt section sixteen as recommended by the committee.

Carried.

Mr. Marsh moved that section seventeen, as recommended by the committee, be adopted.

Carried.

Mr. Stansell moved that the bill, as amended, be ordered engrossed for a third reading.

Motion withdrawn.

Mr. Garcia moved that the bill be recommitted to a select committee.

Motion lost.

Motion to engross renewed.

Carried.

Mr. Koontz moved that

H. B. No. 28 be taken up for consideration.

Carried.

H. B. No. 28 was then

Read and considered.

Mr. Koontz moved to amend section ten by striking out the words "one dollar" and inserting the words "fifty cents."

Carried.

Mr. Webster moved to amend by striking out the word "County," in 12th line of section three, and all of the balance of the section, and insert "the same to the Territorial County School and Road Funds, respectively, in the same proportion as other taxes.

Carried.

Mr. Sheldon moved to strike out section nine and insert the following:

Whenever any non-resident owner or owners of animals, his, her, or their agent shall drive or move said stock out of the county in which the same were kept and herded, according to the provisions of this act, into another county of this Territory, such non-resident owner or owners, his, her, or their agent, shall file a certified copy of the certificate filed, with the name of the county where such stock was kept and herded, with the Recorder of the county into which the said animals may be driven or moved, and shall pay to the County Treasurer, as

provided in the preceding section, one half of the amoun *pro rata* per animal, hereinbefore specified.

Motion lost.

Mr. Lynch moved to strike out in fifth line of section "seven" the word "seven," and insert "five."

Carried.

Mr. Lynch moved to strike out section ten.

Lost.

Mr. Lynch moved that the bill be made the special order of the day for Monday next, at 2 o'clock p. m.

Carried.

Mr. Leeper moved that

H. B. No. 39 be taken up for consideration.

Carried.

H. B. No. 39 was then

Read and considered.

Mr. Lynch moved that the bill be ordered engrossed for a third reading.

Carried.

Mr. Welton asked leave, without previous notice, to to introduce

H. B. No. 52, an act relating to fencing.

Leave granted.

The Sergeant-at-arms announced a communication from the Secretary of the Territory, which was received and

Read as follows:

OFFICE OF THE SECRETARY OF
COLORADO TERRITOY,
Denver, Feb'y 24, 1864.

To the Honorable J. B. Chaffee, Speaker of the House of Representatives:

SIR: In compliance with a resolution of your Honorable Body, I herewith transmit an abstract of the vote at the last general election.

Very respectfully,
Your obedient servant,
SAM'L. H. ELBERT,
Sec'y. of Colorado.

Mr. Webster, from committee on roads and bridges, reported as follows:

MR. SPEAKER: The committee on roads and bridges, to whom was referred

C. B. No. 27, respectfully report that they have considered the same and recommend its passage.

S. D. WEBSTER, Ch'n.

Mr. Lynch moved to take up
H. B. No. 40 for consideration.
Carried.
H. B. No. 40 was
Read and considered.
Mr. Ripley moved to lay the bill on the table.
Carried.
Mr. Welton moved to take up
H. B. No. 36 for consideration.
Carried.
H. B. No. 36 was then
Read and considered.
Mr. Welton moved that the bill be ordered engrossed for a third reading.
Carried.
Mr. Marsh moved that
H. B. No. 22 be read for consideration.
Carried.
Mr. Holland moved a call of the House.
Carried.
Mr. Marsh moved that further proceedings under the call be now dispensed with.
Carried.
H. B. No. 22 was taken up and pending the reading thereof.
On motion of Mr. McCannon,
The House adjourned until 9 o'clock a. m., Monday next.

MONDAY, February 29th, 1864.

The House met pursuant to adjournment, at 9 o'clock, a. m.
The Speaker in the chair.
Roll called.
Absent—Messrs. Chever, Eames, Kipp, Koontz, Kelley, Leeper, Mallory, Patterson, White, Welton.
Journal of the preceding day read and approved.
Messrs. Chever, White, Welton, Kelley and Leeper appeared in their seats.
Mr. Ripley presented the petition of 188 citizens of Boulder, Weld and Larimer counties, asking that a certain portion of Arapahoe, Weld and Larimer counties be added to Boulder County; which was received, read, and referred to the committee on County and County Lines.
Mr. Holland presented a remonstrance from citizens of Clear Creek County against the removal of the county seat, which was, received, read, and referred to the committee on County and County Lines.

Mr. Stansell, from the committee on Incorporations, submitted the following reports, to wit:

Mr. Speaker: The committee on Incorporations, to whom was referred

H. B. No. 33, "An act to incorporate the Denver City and Auraria Gas-light Company," have had the same under consideration, and ask leave to report the same back to the House, with the following amendments, viz:

After the name of "Rice," in first line of first section, insert the name of "James Broadwell."

Also, add the following provision to section 6, viz:

"Provided, that the said Company shall at no time issue the bonds or certificates of indebtedness of the Company to an amount exceeding fifty per cent of the capital stock of said company."

Also, that the committee have had

H. B. No. 41, "an act entitled an act to re-locate the Capital of Colorado Territory" under consideration, and ask leave to

Report the same back to the House without amendment, and

Recommend its passage.

J. B. STANSELL, Ch'n.

Reports received.

Mr. Stansell, from Special Committee, reported as follows:

Mr. Speaker: The Special Committee, to whom was referred

H. B. No. 26, "An act to amend an act to enable Road, Ditch and other Companies to become bodies corporate," have had the same under consideration, and ask leave to

Report the same back to the House, with the following amendments, and recommend its passage—viz:

Insert the word "unpaid" after the word "of," in the 5th line of the 12th section. Also, by striking out sections 21 and 27.

J. B. STANSELL, Ch'n.

Report received.

Mr. Welton presented the following minority report:

Mr. Speaker: The undersigned, a minority of the Committee on Incorporations, have had H. B. No. 33 under consideration, and beg leave to report the same back with the recommendments, and recommend its passage.

N. W. WELTON.

Mr. Marsh, from the committee on Judiciary, submitted the following report:

Mr. Speaker: Your Committee, to whom was referred

H. B's Nos. 47 and 49, having had the same under consider-

ation, beg leave to report that they would recommend the passage of both without amendment.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. Marsh, from Select Committee, reported as follows:

MR. SPEAKER: Your Committee to whom was referred the petition of Frederick J. Stanton, for compensation for services in copying Session laws of the Territory for 1861, and preparing index and marginal notes thereto, having had the same under consideration, beg leave to report as follows:

That the Committee feel satisfied from the evidence furnished them by the said Fred. J. Stanton, that the account, together with the certificate of Lewis Ledyard Weld, late Secretary of the Territory, submitted herewith, and made a part of this report, is just and correct.

Your Committee though, are of the opinion that said account having been contracted by an officer of the Federal Government, and that the annual appropriations from the Federal Government to meet the contingent expenses of the Legislative Assembly of the Territory are designed to cover the items set forth in said account, and that the Terrritory is in no wise legally bound to pay the same; yet your Committee are of the opinion that the copying of said laws, and preparing index and marginal notes to the same, was attended with great labor, and at the time and in the manner of preparing the same was of an immediate and direct benefit to this Territory;—would therefore recommend, that as Mr. Stanton has failed, after repeated efforts, to obtain relief from the General Government, it is only just and proper that the balance ($315 50,) due him upon said account, or so much thereof as this House may think fair and reasonnble for the labor performed, shonld be paid by the Territory.

[COPY.]

The United States, on account of the expenses of the Legislative Assembly of the Territory of Colorado,

TO FRED. J. STANTON, DR.:

1861.

Dec. 7.—To	copying Territorial Laws for the Printer, 1125 folios, at 10 cents,	$112 50
"	services in preparing Index and Marginal Notes to Territorial Laws, 3 months and 11 days, at $4 00 per day,	376 00
		$488 50

Deduct, by cash received from L. L. Weld, late Secretary, for which see vouchers to be forwarded, $175.00

$313.50

I do hereby certify that this account is due and owing to F. J. Stanton, for work and labor done as set forth, and that the said services were requisite and necessary at the time, and that Mr. Stanton was employed by me while I was Secretary of Colorado Territory.

LOUIS LEDYARD WELD,
Late Secretary of Colorado Territory.

Respectfully submitted,
A. MARSH, Ch'n of Select Com.

Report received.

Mr. McCannon moved that the communication from the Secretary relative to the vote of the Territory of Colorado at the last general election, be referred to the Committee on Elections and Apportionment.

Carried.

Mr. Garcia moved that a Special Committee be appointed to see the Public Printer, and find out whether or not he is going to have the Governor's Message and Rules of the House printed in the Spanish Language.

Carried.

The Speaker appointed Messrs. Garcia, Leeper and White such committee.

Mr. McCannon gave notice that he would on Monday next, or on some subsequent day, offer a Joint Resolution, tendering the thanks of this Legislative Assembly and the People of the Territory to Mr. J. G. Nicolay for the very able manner in which he has set forth the interests of Colorado Territory, in his report to the Hon. W. P. Dale, Commissioner of Indian Affairs.

Mr. Chever gave notice, that on to-morrow or some subsequent day, he would introduce a bill for an act to authorize Francis Smith to build a bridge across the South Platte River.

Mr. Holland moved that the reports of the Superintendents of Common Schools and the Territorial Librarian, be referred to the committee on Education.

Carried.

Mr. Woods, in pursuance to previous notice, asked leave to introduce

H. B. No. 53, "An act to incorporate the Cash Creek and Lake County Gold Mining Company," which was

Read a 1st and 2d time by its title, and

Referred to the committee on Incorporations.

Mr. Marsh, without previons notice, asked leave to introdnce H. B. No. 54, an act to amend an "Act to incorporate the Apex and Gregory Wagon Road Company."

Leave granted, and bill read a 1st and 2d time by its title, and Referred to the committee on Incorporations.

H. B. No. 52 was read a 1st and 2d time by its title, and Referred to the committee on Incorporations.

Mr. Kelley, without previous notice, asked leave to introduce H. B. No. 55, an act to improve Bear Creek, in the County of Jefferson.

Leave granted, and bill read a 1st and 2d time by its title, and Referred to the committee on Incorporations.

Mr. Stansell moved that H. B. No. 26 be taken up for consideration.

Motion withdrawn.

Mr. Chever asked leave, without previous notice, to introduce H. J. R. No. 6, to compensate F. J. Stanton for services on publication of the Statutes of the Legislative Assembly.

Leave granted, and Resolution read a 1st and 2d time by its title And referred to the committee on Territorial Affairs.

Mr. White, from the committee on Engrossment, reported H. B's. Nos. 36, 39 and 44 correctly engrossed.

Report received.

Mr. Eames appeared in his seat.

Mr. Marsh moved that H. B. No. 44 be read a 3d time, and put upon its final passage.

Carried.

Mr. Marsh moved that the bill be considered read.

Carried.

H. B. No. 44, an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of Courts therein, was read by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Holland, Henson, Judd, Lynch, Leeper, Marsh, McCannon, Nye, Ripley, Sheldon, Stansell, White. Woods—15.

Noes—Messrs. Garcia, Kelley, Ortega, Webster, Welton, Mr. Speaker—6.

Ayes, 15; noes, 6.

So the bill passed, and title agreed to.

Mr. Henson moved that C. B. No. 16 be read for consideration.

Carried.

C. B. No. 16 was read and considered.

Mr. Sheldon moved that the bill be considered read a 3d time, and put upon its final passage.

Carried.

Mr. Stansell moved that the bill be laid over until to-morrow afternoon. Carried.

Mr. Leeper moved that

H. B. No. 26 be taken up for consideration.

Carried.

Mr. Sheldon moved that the amendments proposed by the Special Committee on H. B. No. 26, be read and considered.

Carried.

Amendments read and considered,

Mr. Lynch moved to amend, by striking out in 3d line of Section 12, the words "an amount equal to the," and insert the word "the." Carried.

The question being upon the adoption of the amendment as amended, was—Carried.

Mr. Sheldon moved to amend, by substituting for Section 12, the following:

SEC. 12. That neither the stockholders jointly nor severally, nor the body corporate under the provisions of this act, shall be liable for any indebtedness whatever.

Motion lost.

The question then being upon striking out section No. 21, as recommended by the Committee, was

Motion lost.

Mr. White moved to strike out Section 22.

Motion lost.

Mr. Stansell moved to strike out Section 27.

Carried.

Mr. Stansell moved to fill the blank in Section one of the bill by inserting "fifty."

Carried.

Mr. Stansell moved that the bill with the amendments, be ordered engrossed for a 3d reading.

Carried.

Mr. Marsh moved that

H. B. No. 30 be taken up for consideration.

Mr. Nye moved to amend, by substituting H. B. No. 43.

Motion lost.

The question recurring upon the original motion,

Motion prevailed.

H. B. No. 30 was read and considered.

Mr. Stansell moved that the further consideration of the bill be deferred, and that it be referred with H. B's No. 33 and 43, to a special committee, with instructions to report the best bill of the three back to the House.

Motion withdrawn.

The sergeant-at-arms announced a communication from the Council, which was received and read as follows:

COUNCIL CHAMBER,
February 27, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills, and the concurrence of your Honorable Body is respectfully requested therein, to wit:

C. B. No. 24, an act to incorporate the Colorado Territorial Agricultural Society.

C. B. No. 25, an act granting to Francis Smith the right to erect and maintain a bridge across the waters of the South Platte river.

C. B. No. 29, an act concerning licences.

C. Sub. to H. B. No. 6, an act creating a lien in favor of mechanics and others, in certain cases herewith transmitted.

And also,

That they have concurred in and passed without amendment

H. B. No. 15, an act concerning marks and brands.

H. B. No. 24, an act to amend an act entitled "an act to authorize the apportionment of County Commissioners in special cases.

And also,

That the Council has concurred in House amendments to

C. B. No. 6, an act to enable the Pacific Telegraph Company to construct lines of telegraph in this Territory and protect the same.

They have also concurred in

House amendent to Council amendment to

H. B. No. 13, an act for the protection of sheep, herewith transmitted.

Very respectfully,
C. B. HAYNES,
Secretary of the Council.

Mr. Marsh moved that

H. B.'s Nos. 33 and 43 be taken up and

Read in connection with

H. B. No. 30.

Carried.

Mr. Stansell moved that the further consideration of the bill be now postponed, and that the bill, together with

H. B.'s Nos. 33 and 43 be referred to the committee of the whole.

Carried.

Mr. White moved that

H. B. No. 38 be read for consideration.

Carrried.

H. B. No. 38 was then

Read and considered.

Mr. Sheldon moved to amend the amendment proposed by the committee by striking out $800 and inserting $700; and by striking out $600 and inserting $500.

Motion withdrawn.

The question being upon the adoption of the amendment, as proposed by the committee, the amendment was

Adopted.

Mr. Chever moved to strike out the word "one," in section three, and insert the word "three."

Lost.

Mr. Sheldon moved that the bill be ordered engrossed, as amended for a third reading.

Carried.

Mr. Garcia moved that the committee on ways and means be requested to report on

C. B. No. 2.

Mr. Chever moved to amend by asking the committee to report at their earliest convenience.

Carried,

Motion as amended.

Carried.

Mr. Sheldon, without previous notice, asked leave to introduce

H. J. R. No. 7, to pay F. J. Ebert for constructing maps for the Territory.

Leave was granted, and resolution

Read a first and second time by its title, and referred to the committee on ways and means.

Mr. Sheldon moved that

H. B. No. 48 be read for consideration.

Carried.

H. B. No. 48 was read and considered.

Mr. White moved that the bill be considered engrossed for a third reading.

Carried.

Mr. Marsh moved that the bill be considered read a third time and put upon its final passage.

Carried.

H. B. No. 48, an act to legalize the acts of the Superintendent of Public Schools" was read by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, White, Webster, Woods, Mr. Speaker, 18.

Noes—Messrs. Holland, Stansell, Welton, 3.

Ayes—18.

Noes—3.

So the bill passed.

Mr. Marsh moved that the title be amended, so as to read "an act to confirm the appointment of Wm. S. Walker as Superintendent of Public Schools, and for other purposes."

Carried.

Title as amended agreed to.

Mr. Marsh moved that,

C. B. No. 19, be read a third time by its title and put upon its final passage.

Carried.

C. B. No. 19, "an act to enable soldiers in the United States service, to acquire and hold mining claims," was read a third time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Kelley, Leeper, Lynch, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton, Woods, Mr. Speaker, 19.

Noes none.

Ayes—19.

Noes—0,

So the bill passed.

Mr. Holland moved to amend the title by inserting the words "and other" between the words "mining" and "claims."

Carried.

Title as amended agreed to.

Mr. Webster moved that,

C. S. for H. B. No. 7, be read for consideration.

Carried.

C. S. for H. B. No. 7, read and considered.

Mr. Webster moved that, the bill be read a third time by its title, and put upon its final passage.

Carried.

C. S. for H. B. No. 7, "an act to legalize assessments of property for revenue in certain cases.

Was read a third time by its title and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, 18.

Noes—Messrs. Marsh, McCannon, Mr. Speaker, 3.

Ayes—18.

Noes—3.

So the bill passed and title agreed to.

Mr. Leeper moved that,

H. B. No. 39, be read a third time and put upon its final passage.

Carried.

H. B. No. 39, "an act explanatory of an act concerning Lode claims" was read a third time, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Leeper, Lynch, Marsh, Nye, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 18.

Noes—Messrs. McCannon, Ortega, Mr. Speaker, 3.

Ayes—18.

Noes—3.

So the bill passed.

Mr. Leeper, moved to amend the title by inserting the words "amendatory and" before the words "explanatory."

Carried.

Title as amended agreed to.

Mr. Stansell moved that,

H. B. No. 46, be taken up and read for consideration.

Carried.

H. B. No. 46, was read and considered.

Mr. Woods moved that it be considered engrossed and read a third time and put upon its final passage.

Carried.

H. B. No. 46, "an act to repeal that part of the Cash Creek Park Ditch Company's Charter, that includes Clear Creek"

Was read a third time and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Webster, Welton, Woods and Mr. Speaker—20.

Noes—None.

Excused—Mr. Sheldon.

Ayes—20.

Noes—none.

So the bill passed and title agreed to.

On motion of Mr. McCannon, the House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Koontz, Mallory, Patterson, Sheldon, Stansell, White and Welton.

Quorum present.

On motion of Mr. Holland,

Mr. Koontz was excused for the day.

H. B. No. 28 being the special order for the hour, was taken up, and,

On motion of Mr. Holland,

Was deferred until to-morrow.

Messrs. Sheldon, Stansell, White and Welton appeared in their seats.

Mr. Holland moved that the petition of M. P. Parker, B. F. Darrah and others, relating to the further appropriation of mining claims for school purposes, be referred to the committee on education.

Carried.

And it was so referred.

Mr. Chever, from the committee on enrollment, reported

C. B.'s Nos. 5, 6, 20 and 21 correctly enrolled.

Report received.

Mr. Webster moved that the committee on agriculture be requested to report on

H. B. No. 21.

Carried.

Mr. Stansell, from the committee on incorporations, submitted the following reports:

Mr. Speaker: The committee on incorporations, to whom was referred

H. B. No. 34, an act amendatory of an act to incorporate the Apex and Gregory Wagon Road Company have had the same under consideration, and ask leave to report the same back to the House without amendment and recommend its passage.

Also, have had

H. B. No. 55, an act to improve Bear Creek, in the county of Jefferson, under consideration, and ask leave to report the same back to the House without amendment, and recommend that it do not pass.

J. B. STANSELL, Ch'n.

Mr. White moved that C. Sub. for

H. B. No. 6 be taken up and read a first and second time and referred to its appropriate committee.

Carried.

C. Sub. for

H. B. No. 6 was then read a first and second time by its title and referred to the committee on judiciary.

Mr. White moved that C. B.'s Nos. 24, 25 and 29 be read and referred.

Carried.

C. B. No. 24 was read a first and second time by its title and referred to the committee on agriculture.

C. B. No. 25 was read a first and second time by its title and referred to the committee on incorporations.

C. B. No. 29 was read a first and second time by its title and referred to the committee on judiciary.

Mr. Marsh moved that

C. B. No. 18 be read a third time by its title and put upon its final passage.

Carried.

C. B. No. 18, an act concerning forcible entry and detainer, and unlawful detainer," was then read a third time by its title, and the question being upon its final passage, the

Ayes and noes were :

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Woods and Mr. Speaker—18.

Noes—Messrs. Holland and Kelley—2.

Ayes—18.

Noes—2.

So the bill passed and title agreed to.

Mr. Marsh moved that

C. B, No. 7 be taken up for consideration.

Carried.

C. B. No. 7 was then read and considered.

Mr. Judd moved that the bill be indefinitely postponed.

The ayes and noes being called for and ordered, were :

Ayes—Messrs, Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, McCannon, Ortega, Ripley, White, Webster and Woods—15.

Noes—Messrs. Marsh, Nye, Sheldon, Stansell, Welton and Mr. Speaker—6.

Ayes—15.

Noes—6.

So the bill was indefinitely postponed.

Mr. Stansell moved the adoption of the following resolution:

Resolved, That the Secretary of the Territory be requested to furnish this House with a statement of the amounts allowed by the General Government to the different clerks and officers of this House for their services.

Carried.

Mr. Chever, from the committee on Territorial affairs, submitted the following report :

Mr. Speaker : The committee on Territorial Affairs, to whom was referred

H. J. R. No. 6, joint resolution for compensation for services on publication of the statutes of the Legislative Assembly, report the same back amended, by striking out the word "is" in fifth line from the bottom and substituting the words "shall be," and with this amendment recommend its passage.

D. A. CHEVER, Ch'n.

Report received.

Mr. Judd moved that the House do now resolve itself into committee of the whole on the general file.

Carried.

The House then went into committee of the whole.

Mr. Judd in the chair.

After some time spent therein,

The committee arose.

The Speaker in the chair.

Mr. White, from the committee on ways and means, reported as follows:

MR. SPEAKER: Your committee, to whom was referred

H. J. R. No. 7, have had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

M. C. WHITE, Ch'n.

Mr. Marsh moved that H. J. R. No. 5 be taken up for consideration.

Carried.

H. J. R. No. 5 was then read and considered.

Mr. Sheldon moved that the bill be ordered engrossed for a third reading.

Carried.

Mr. Marsh moved that

H. B. No. 47 be taken up for consideration.

Mr. Stansell arose to a point of order—that the bill was now in the hands of the committee of the whole, and could not be taken up by the House.

The Speaker decided the point well taken.

Mr. Stansell moved that the House do now adjourn until 10 o'clock a. m. to-morrow.

Mr. Ripley moved to amend by making the hour 9 o'clock.

Motion lost.

The original motion prevailed, and

The House adjourned.

TUESDAY, March, 1st. 1864.

House met pursuant to adjournment, at 10 o'clock a. m.
The Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs. Kipp, Koontz, Mallory, Patterson,
Journal of the preceding day, read pending which Mr. Stansell moved that the further reading of the Journal be dispensed with.
Carried.
Journal approved.
Mr. Chever, from the committee on Enrollment reported, H. Bs. Nos. 2, 13, 15 and 24 correctly enrolled.
Report received.
Mr. White from the committee on Ways and Means reported as follows:
Mr. Speaker:—Your committee to whom was referred C. B No. 2,
Have had the same under consideration, and report the same back with the following amendments to-wit:
Strike out the word "seven" in the first line of section 1, and insert the word "five" in lieu thereof, and strike out the word "seven" in the last line of section 4 and insert the word "five."
Your committee believing that it is due to our Spanish citizens that the laws be printed in their language, in order to enable them to become acq uainted with their duties as citizens, and also that by so doing, more revenue can be derived from them, than will be expended in such printing, and also that the present move of the Delegate to Congresss from New Mexico to take away a valuable portion of our Territory is urged on by the Spanish citizens of our Territory, from the fact that we have up to this time refused to appropriate a small sum of money to the printing of our laws in Spanish, and believing that by such appropriation it will save us from internal dissentions and strife, and that we should not by implication, represent the Tyrant "Callegula," who placed his laws in such a position that they could not be read by his subjects, yet punished them with as much rigor as though they were conversant with his editcs.
Therefore, recommend that the bill as amended pass, and also recommend an appropriation for the printing of the Governor's message in Spanish in accordance with the vote had at an earlier day of this session, thereon.

Respectfully Submitted,
M. C. WHITE,
Chairman Com. Ways and Means.

Report received.

Mr. Eames from the committee on Agriculture reported as follows.

Mr. Speaker: Your committee to whom was referred,

H. B. No. 52, having had the same under consideration, recommend its passage with the following amendments, to-wit:

Make section 1st read as follows:

Section 1. That section two of said act be amended by striking out, all after the word "until" in the 4th, line of said section, and inserting in lieu thereof, "the fifteenth day of November."

Make sections 1 and 2 of said bill read 2 and 3.

Also have had, C. B. 24, under consideration, and beg leave to report the same back to the House, and recommend its passage without amendment.

J, H. EAMES, Ch'n.

Report received.

Mr. Ripley, from the committee on County and County lines submitted the following report.

Mr. Speaker: Your committee to whom was referred the petition, and remonstrance of sundry citizens of Clear Creek County, in regard to the removsl of the County seat of said County, have had the same under consideration, and after a careful examination of the same, in view of the vast preponderance in favor of the Petitioners, in favor of the removal of said county seat.

Your committee would recommend the passage of a bill herewith submitted for the relocation of the County seat of said County of Clear Creek.

All of which is respectfully submitted.

DAVID RIPLEY,
Ch'n *Protem*, C. C. & C. L.

Report received.

Mr. Stansell from the Committee on Incorporations submitted the following reports.

Mr. Speaker:—The committee on Incorporations to whom was referred,

H. B. No. 53, an act to incorporate, Cash Creek, and Lake County Gold mining Company, have had the same under consideration, and ask leave to report the same back to the House with the following amendment and recommend its passage, viz:

Insert the word 'legally' after the word "now" in twenty-first line of first section.

Also strike out all after the word "claims" in 4th line of section 4 to the word "excavate" in 6th line of same section.

Also, C. B. No. 25, an act granting to Francis Smith, the right to erect and maintain a bridge across the waters of the South Platte River, and ask leave to report the same back to the House with the following amendments viz:

Strike out the words "and fifty cents" in 12th line of section 2.

Also C. B. No. 13, an act to incorporate the Denver manufacturing and milling Company.

And ask leave to report the same back to the House with the following amendment viz:

After the figure "5" in 8th line of section 2 insert "running at right angles with F street.

J. B. STANSELL, Ch'n.

Report received.

Mr. Garcia, from special committee, to whom was referred the business of calling upon the Printer for the purpose of finding out when they would print the Governor's message and the rules of the House in Spanish, respectfully submit the following report.

That they have called upon Mr. Gibson, and find that no appropriation has been made for either the printing or translation of same, and would suggest that the committee on ways and means, be instructed to employ suitable persons to do the samo, and that an appropriation be made for payment out of the Territorial funds.

V. J. GARCIA, Ch'n.

Report received.

Mr. Ripley without previous notice asked leave to introduce, H. B. No. 56, "an act to re-locate the County seat of Clear Creek County.

Leave granted, and bill read a first and second time by its title, and referred to the committee on judiciary.

H. B. No. 36, an act for the protection of farmers in certain cases" was then read a third time, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Judd, Lynch, Leeper, Marsh, McCannon Nye, Ortega, Sheldon, Webster, Welton, Woods, 15.

Noes—Messrs. Henson, Kelley, Ripley, White Mr. Speaker, 5.

Excused Mr. Stansell.

Ayes—15.

Noes—5.

So the bill passed and title agreed to.

Mr. Judd, from the committe of the whole (yesterday afternoon) submitted the following report.

Mr. Speaker: The committee of the whole have had under consideration,

C. B. No. 14, an act to incorporate the Denver Artesian well Company, and report the same back to the House, without recommendation.

Also, C. B. No. 27 and report the same back to the House with a recommendation that it do pass.

Also, H. Bs. Nos. 30—33 and 43, and report the same back to the House, with the recommendation that these bills be referred to a select committee, with instructions that they report one bill which shall be of the greatest advantage to the citizens of Denver.

Respectfully Submitted,
LEON D. JUDD, Ch'n.

Report received.

Mr. McCannon moved that the report of the committee be adopted, and that the three bills be referred to a select committee of five, with instructions to report back one bill in accordance with the report of the committee.

Carried.

The Speaker appointed Messrs. McCannon, Lynch, Stansell, Nye and Judd, such committee.

Mr. Holland moved that the amendments proposed by the committee on incorporations be referred to the same committee.

Carried.

H. B. No. 28, being the special order of the day was taken up, and on motion of Mr. Sheldon, was laid on the table.

Mr. Henson moved that,

C. B. No. 16, be taken up for consideration.

Carried.

C. B. No. 16, was then read and considered.

Mr. Henson moved that the bill be considered read a third time, and that it be read by its title and put upon its final passage. Carried.

C. B. No. 16, "an act to incorporate the Beaver Creek Ditch and Fluming Company, in Park County, was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Kelley, Lynch Leeper, Marsh, Sheldon, Stansell, White, Welton, 12.

Noes—Messrs. Chever, McCannon, Ortega, Ripley, Webster, Woods. Mr. Speaker, 7.

Ayes—12.
Noes—7.
So the bill passed and title agreed to.
Mr. Stansell moved that the House do now resolve itself into committee of the whole on the general file.
Carried.
The House then went into committee of the whole.
Mr. Stansell in the Chair.
After some time spent therein the committee arose.
The Speaker in the chair.
Time was granted the Chairman to prepare his report.
Mr. White, from the committee on engrossment reported, H. B. No. 26, and 38, and H. J. R. No. 7, correctly engrossed.
Report received.
On motion of Mr. Sheldon the House adjourned, until 2 o'clock, p. m.,

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AFTERNOON SESSION.

The House met pursuant to adjournment, at 2 o'clock, p. m.
The Speaker in the chair,
Roll called.
Absent—Messrs. Eames, Kipp, Mallory, Patterson and Welton.
Quorum present.
The committee of the Whole through their chairman made the following report.

MR. SPEAKER: I am instructed by the committee of the whole, to report that they have had under consideration,
H. B. No. 47, and report the same back to the House, without amendment, and recommend its passage.
Also, H. B. No. 49, and amended the same, by striking out all of section 1 before the word "that" in sixth line.
And also, the words "as the same are" in the seventh line.
Also, by inserting the following, after the word "shall" in the eleventh line of section 3.
"Be the standard weight of a bushel of each of such articles."
Also, by inserting after the word "inspection" in second line of 12th section, the following "in any county where such inspector shall have been appointed, and is in the performance of his duties" and with these amendments recommend the passage of the bill,

J. B. STANSELL, Ch'n.

Report received.

Mr. Leeper gave notice that on to-morrow or some future day, he would ask leave to introduce a bill to exempt voluntary debts from collection by law in this Territory,

Mr. Welton, appeared in his seat.

Mr. Garcia, moved that the House do now resolve itself into committee of the whole, on the general file.

Carried.

The House then went into committee of the whole.

Mr. Koontz in the chair.

After sometime spent therein the committee arose.

The Speaker in the Chair.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER,
March 1st. 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed,

C. B. No. 39, an act to exclude Traitors and Alien enemies from Courts of Justice in this Territory in civil cases.

Also, a bill for an act to opperate a Ferry on the Arkansas River.

And your honorable body is respectfully requested to concur therein.

Also that they have concurred in House amendment to C. B. No. 18, "an act concerning forceible entry, and detainer, and unlawful detainer."

Also, that the Council has passed,

H. B. No. 31, an act to increase the Capital Stock, and extend the privileges of the Jefferson County Ditch Company, with the following amendments thereto, to-wit.

Strike out in section 3rd. in the 4th and 5th lines the words "it in their power to grant such request" and insert sufficient water in their said ditch, not designed to be used for the purpose of irrigating the soil instead thereof.

Also, add the following "section 5, this act may be modified altered or repealed by any subsequent Legislature of this Territory.

Also, H. B. No. 34, an act to enable the Superintendent of Common Schools for El Paso County, to apply the School fund of said County, to the use of schools in the several districts thereof."

With the following amendments, to-wit:

Add section, 2 "That the Superintendent of schools in the county of Park, shall be, and he is hereby authorized to pay

over the school fund derived from the assessment of the year 1863, in like manner as provided in section 1 of this act respecting the Superintendent of El Paso County.

They have also amended the title, so as to read, "an act to enable the Superintendent of Common Schools of El Paso, and Park Counties, to apply the School fund of said Counties to the use of schools in the several Districts thereof.

Also, H. B. No. 20, "an act to prevent felons from defending persons in the Courts of this Territory.

Amended as follows:

In section 1, 3rd line, strike out the words "defend another" and insert the word "practice" instead thereof.

They have also amended the title, by striking out the words "defending persons" therein and inserting the word "Practicing" in place thereof.

And the concurrence of your Honorable body is respectfully requested therein.

The Council has also concurred in, and passed without amendment,

H. B. No. 42, an act, entitled an act, to authorize the County Commissioners of Gilpin County, to pay certain jurors fees.

Also, H. B. No. 37, an act to secure unto James Miller of Gilpin County, certain rights herewith transmitted.

They have also concurred in House amendment to the title of,

C. B. No. 19, an act to enable soldiers in the United States service to acquire and hold mining and other claims.

Very respectfully,
C. B. HAYNES,
Sec'y of Council.

The committee of the whole through their chairman reported as follows:

MR. SPEAKER: I am instructed by the committee of the whole to report that they have had,

C. B. No 2, under consideration, being an act providing for an appropriation for printing the laws in the Spanish language and after consideration thereon report the same back to the House and recommend its passage without amendment.

Also, have had,

C B. No 13, under consideration,

And amend the same by adding to section 2, "provided the said corporation shall first obtain the right to erect their mill and manufactory, from the city of Denver

And with this amendment, report the same back to the House without any recommendation.

J. A. KOONTZ, Ch'n.

Mr. Ripley moved to take up,

C B No 24, for consideration.

Carried.

C. B. No 24, was then read and considered.

Mr. White moved that the bill be read a third time, and put upon its final passage.

Carried.

Mr Henson moved that the bill be read the third time by its title.

Carried.

C. B. No. 24, an act to Incorporate the Colorado Territorial Agricultural Society, was read a third time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, 19.

Noes—Messrs. McCannon, Mr. Speaker, 2.

Ayes—19.

Noes—2.

So the bill passed and title agreed to.

Mr. McCannon, in pursuance to previous notice, asked leave to introduce H. J. R. No. 8, a resolution requesting Fitz John Porter, to leave the Territory of Colorado, within thirty days.

Mr. Chever objected thereto,

And called for the ayes and noes, which being ordered and called were,

Ayes—Messrs. McCannon, Nye, Sheldon, Stansell, White, Webter, Woods, 7.

Noes—Messrs. Chever, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Ortega, Ripley, Welton, Mr. Speaker, 12

Ayes—7.

Noes—12.

So leave was not granted.

Mr. Chever moved that,

H. J. R. No. 6, be read for consideration.

Carried.

H. J. R. No. 6, was then read and considered.

Mr. Chever moved that the amendment proposed by the committee be adopted.

Carried.

Mr. Chever moved that the bill be engrossed for a third reading

Carried.

Mr. Stansell moved that,

H. B. No. 26, be read a third time by its title, and put upon its final passage,

Carried.

H. B. No. 26, an act to amend an act, to enable Road, Ditch, Manufacturing and other Companies, to become bodies corporate" was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCaunon, Nye, Ortega, Ripley, Stansell, White, Wsbster, Welton, Woods, Mr. Speaker, 19. Noes—Mr. Sheldon, 1.

Ayes—19.

Noes—1.

So the bill passed and title agreed to.

Mr. Holland moved that,

H. B. No. 38, be read a third time and put upon its final passage. Carried.

H. B. No. 38, was then read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Ripley, Sheldon, Stansell, White, Webster, Welton, 14.

Noes—Messrs. Marsh, McCannon, Nye, Ortega, Woods, Mr. Speaker, 6.

Ayes—14.

Noes—6.

So the bill passed and title agreed to.

Mr. Sheldon moved to take up and consider C. Amendment to H. B.No 34.

Carried.

C. amendment to

H. B. No. 34, read and considered.

Mr. Sheldon moved that the House do concur in the amendment.

Carried.

Mr. Sheldon moved that the House do concur in the Council amendment to the title.

Carried.

Mr. Kelley moved to take up and consider, C. Amendment to H. B. No. 31.

Carried.

Council amendment to H. B. No. 31, read and considered.

Mr. Chever moved that the House do concur in Council amendment to section 3.

Carried.

Mr. Chever moved that the House do disagreed to C. A. to section 5. Motion Lost.

Mr. Holland moved that the word, "repeal" be stricken out

of Council amendment, and the word "or" be transposed between the words "modify" and "alter."

Carried.

Mr. Holland moved that the House do concur in amendment as amended.

Carried.

Mr. McCannon gave notice that he would on to-morrow or some subsequent day, ask leave to introduce a resolution inviting rebels, traitors and all classess of villains to Colorado Territory.

Mr. Koontz, from the Committee on engrossment, reported, H. J. R. No. 6, correctly engrossed.

Report received.

Council amendment to H. B. No. 20, was read and considred.

Mr. Marsh moved that the House do concur in Council amendments to the bill. Carried.

Mr. Chever moved that,

C. B. No. 39, be taken up.

C. B. No. 39, was then taken up, and read a first and second time by its title.

Mr. Judd moved a call of the House.

Carried.

Roll ordered called.

Absent—Messrs. Eames, Kipp, McCannon, Mallory Patterson.

Mr. Leeper moved that further proceedings, under the call be dispensed with.

Carried.

Mr. Marsh moved that the rules of the House be suspended and C. B. No. 39, be read a third time, and put upon its final passage. Carried.

Mr. Lynch moved that the bill be read the 3d. time by its title.

Carried.

C. B. No. 39, "an act to exclude traitors and alien enemies from Courts of Justice, in the Territory of Colorado, in civil cases," was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs, Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 20.

Ayes—20, Noes—0.

So the bill passed and title agreed to.

Mr. Kelley moved that the House do now adjourn until 9 o'clock, a. m., to-morrow.

Mr. Stanselll moved to amend by making it 10 o'clock, a. m., Amendment accepted.

Motion prevailed, and the House adjourned.

WEDNESDAY, March 2d, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson.

Quorum present.

Journal of the preceding day read; pending the reading of which Mr. Marsh moved that the further reading of the Journal be dispensed with.

Motion lost.

Reading of the Journal resumed and approved.

Mr. Ripley presented the petition of sundry citizens of Central City and the City of Black Hawk, in regard to the boundaries specified in the bills before this House to charter said cities.

Also, a petition of sundry citizens of Boulder County in regard to fences.

Petitions received.

Mr. Stantell, from the committee on Incorporations, submitted the following report, viz:

Mr. Speaker: The Committee on Incorporations, to whom was referred

C. B. No. 11 and H. B. No. 45, have had the same under consideration, and ask leave to

Report the same back to the House without amendment, and

Recommend that they be placed on general file, and go before the Committee of the whole House.

Also, C. B. No. 10, an act to incorporate the Old Rosey Mining, Fluming, Ground-sluicing and Hydraulicing Company, and have considered the same, and ask leave to

Report the same back with the following amendments, and.

Recommend its passage, viz:

Strike out the word "exclusive," in 2d line of Section 2.

Also, strike out the same word in 14th line of same section.

Also, add the following after Section 7:

Sec. 8. That nothing contained in this act shall be so considstrued as to give the said Company the right to injure or interfere with the right now existing of others.

Also, strike out "one year," in 3d line of Section 8, and insert "six months" in lieu thereof,

And also add to said Section 8, the following, viz: "and shall prosecute the same to completion within three years; and a failure so to do shall work a forfeiture of this charter.

J. B. STANSELL, Ch'n.

Report received.

Mr. Marsh, from the committee on Judiciary, submitted the following report:

Mr. Speaker; Your Committee to whom was referred C. B. No. 26, having had the same under consideration, beg leave to report that they would

Recommmend the passage of the same, with the following amendments, viz:

Insert after the word "payable," in the 13th line of Section 3 of said bill, the following—"in the manner expressed in said notes, bonds, due-bills, and other instruments of writing."

Strike out the word "note," in 1st line of Section 4.

Add "Section 14. Nothing in this act shall be construed to make contracts or instruments in writing containing mutnal covenants, negotiable, by either assignment or delivery thereof."

Also, have had H. B. No, 56 under consideration, and

Beg leave to report the same back without recommendation.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. McCannon, from Select Committee, reported as follows:

Mr. Speaker: Your Special Committee to whom was referred H. B's. Nos. 30, 33 and 43, have had the same under consideration, together with the amendments proposed by the committee on Incorporations, and would respectfully report back H. B. No. 43, and recommend its passage.

JOHN McCANNON, Ch'n.

Report received.

Mr. Leeper moved that

H. B. No. 56 be referred to the Committee of the Whole.

Carried.

Mr. Welton moved that

H. B. No. 33 be referred to the Committee of the Whole.

Motion lost.

C. B. No. 31, a bill for an act to operate a ferry on the Arkansas River, was

Read a 1st and 2d time by its title, and

Referred to the committee on Incorporations.

Mr. Judd asked leave, in pursuance to previous notice, to introduce

H. B. No. 57, an act to incorporate the Denver and Pacific Wagon Road Company," which was

Read a 1st and 2d time by its title, and

Referred to the Committee of the whole House.

Also, without previous notice,

H. B. No. 58, "an act to incorporatu the Black Hawk Mining Company."

Leave granted, and bill read a 1st and 2d time by its title, and

Referred to the committee of the whole House.

Mr. Webster having given previous notice, asked leave to introduce

H. B. No. 59, "an act to amend an act regulating Eelections."

Also, H. B. No. 60, an act to amend an act to enable citizens of the Territory in the military service of the United States to vote," which were

Read a 1st and 2d time by their titles, and

Referred to the committee of the whole House.

Mr. Nye, without previous notice, asked leave to introduce

H. B. No. 61, an act to legalize the acts of the Board of Directors of Sehool District No. 5, in Arapahoe County, in certain cases.

Leave granted, and bill read a 1st and 2d time by its title, and

Referred to the committee of the whole House.

Mr. Marsh moved that

H. B. No. 54 be taken up for consideration.

Carried.

C. B. No. 54 was read and considered.

Mr. Marsh moved that the bill be ordered engrossed for a 3d reading. Motion lost.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

Council Chamber, March 1, 1864.

Mr. Speaker: I am instructed to inform the House that the Council has concurred in and passed

H. B. No. 44, "an act to divide the Territory of Colorado into Judicial Districts, and to provide for holding of Courts in the same," with the following amendments thereto, to wit:

In last line of Section 6 strike out the word "April," and insert instead thereof the word "July."

In Sectiod 7, strike out the word "Conejos," in 5th line, and insert in lieu thereof the word "Sevillita." Also, insert in the blank that occurs in the same section, the words "San Louis;" and add the following:

"Provided, that the next term of Court in Conejos County shall be held on the first Monday in April next, by the Hon. Allen A. Bradford."

Section 8. Strike out in 3d and 4th lines the words "Larimer and Boulder," and between the words "Weld" and "Douglas" insert the word "and."

Also, add the following:

"Sec. 26. The County of Larimer is hereby attached to the County of Boulder for Judicial purposes, and there shall be held one term of Court in each year, commencing on the first Tuesday in October in each year, at Boulder City, in the County of Boulder:"

To which amendments your Honorable Body is respectfully requested to concur.

Very respectfully,
C. B. HAYNES,
Sec'y of the Council.

Mr. Chever moved to take up

H. J. R. No. 6 for consideration.

Motion witdrawn.

[The bill was engrossed yesterday.]

H. J. R. No. 6, an act to pay F. J. Stanton for services in copying laws, and making marginal Notes and Index," was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Judd, Koontz, Kelley, Lynch, Marsh, McCannon, Ortega, Ripley, Sheldon, Webster, Woods—15.

Noes—Messrs. Henson, Leeper, Nye, Stansell, White, Mr. Speaker—6.

Ayes, 15; noes, 6.

So the bill passed, and title agreed to.

H. J. R. No. 7, "to pay F. J. Ebert for constructing maps for the Territory of Colorado," was

Read a 3d time, and the question being upon its final pas sage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Judd, Kelley, Lynch, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr, Speaker—18.

Noes—Messrs. Henson, Koontz, Leeper, Marsh—4.

Ayes, 18; noes, 4.

So the bill passed, and title agreed to.

Mr. Judd moved that the House do now go into Committee of the Whole.

Motion withdrawn.

Mr. Stansell moved to take up

H. B. No. 44, and consider amendments proposed by Council.

Carried.

Mr. Ripley moved that the House do concur in Council Amendments to

H. B. No. 44, and the ayes and noes being ordered and called, were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Lynch, Leeyer, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods—18.

Noes—Messrs. Holland, Kelley, Mr. Speaker—3.

Ayes, 18; noes, 3.

So the amendment were concurred in.

r. Judd moved that the House do now go into Committee of the Whole on general file.

Carried.

The House then went into Committee of the Whole,

Mr. White in the chair,

After some time spent therein, the Committee arose.

The Speaker in the chair.

The chairman of the Committee of the Whole asked time to prepare his report.

Leave granted.

The Sergeant-at-arms announced a message from the Governor, by the hands of his private Secretary, which was received and read, as follows:

EXECUTIVE DEPARTMENT, DENVER, C. T.,
March 2d, 1864.

To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:

SIR:—I have the honor to inform the House that I have approved and signed the following Joint Resolution and Bills:

Joint Resolution authorizing the appointment of Agents for the encouragement of Immigration.

An act to incorporate the Swan River and Delaware Flats Fluming Company.

An act to amend an act, entitled an act regulating the mode of proceeding in Attachment in the District Court.

An act concerning Marks and Brands.

An act to define the manner of sub-dividing sections as established by United States survey, in Colorado Territory.

An act to suppress Gambling, and Gambling Houses.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN EVANS,
Governor of Colorado.

On motion of Mr. Koontz, the House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The House met pursuant to adjournment, at 2 o'clock, p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson.

Quorum present.

H. B. No. 23 being the special order for the hour, was taken up for consideration.

The pending motion when the bill was last under consideration being to strike out the 1st and 2d sections.

Motion withdrawn.

Mr. McCannon moved to strike out Sections 1 and 2.

Motion lost.

Mr. Leeper moved to strike out the word "two," in 1st line of Section 1, and insert "one" in lieu thereof.

Mr. Henson moved to amend the amendment, by striking out the word "one," and insert "five."

Motion lost. Original motion withdrawn.

Mr. Marsh moved to strike out the words "have been," in 4th line of section 1, and insert the word "be," in lieu thereof.

Carried.

Mr. Lynch moved to insert after the word "whatsoever," in 3d line of section 1, the words, "except against the United States." Carried.

Mr. Holland moved to strike out the words "two years," in the last line of section 1.

Lost.

The Sergeant-at arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 2d, 1864.

Mr. SPEAKER: I am instructed to inform the House of the passage by the Council of

C. B. No. 28, a bill for an act concerning Probate Courts and Justices of the Peace in certain cases.

Also, C. B. No. 31, "an act to incorporate the Pueblo and Fountaine-qui-Bouille Ditch Company"—herewith transmitted;

And the concurrence of your Honorable Body is respectfully requested therein.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Koontz moved to strike out the words "in all cases," in 3d line of Section 1,

Carried,

Mr. Henson moved to strike out the words "twenty-five," in last line of Section 1, and insert "fifty,"

Motion lost.

Mr. Lynch moved to insert the word "mining," between the words "local" and "Districts," in 3d line.

Mr. Stansell moved to amend, by striking out the 3d section.

Carried.

Mr. Holland moved to strike out the 4th section.

Carried.

Mr. Stansell moved that section two be stricken out.

Motion lost.

Mr. Kelley moved that the bill be ordered engrossed for a 3d reading.

Mr. Henson moved that the bill be laid on the table.

Carried.

Mr. Gercia moved that

C. B. No. 2 be taken up for consideration.

Carried.

C. B. No. 2 was then read and considered.

Mr. Koontz moved to amend, by adding an additional section, as follows:

SEC. 2. That the Secretary of the Territory be also empowered to pay from this appropriation for translating and printing five hundred copies of the Governor's Message in Spanish, and for any and all other miscellaneous printing done during this session of the Legislative Assembly, not allowed by the Department. Carried.

Mr. Judd moved that the bill be read a third time by its title,

And put upon its final passage.

Carried.

C. B. No. 2, "An act providing for an appropriation for printing the laws in the Spanish language,', was

Read a 3d time by its title,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—20.

Noes—Messrs. Chever, McCannon—2.

Ayes, 20; noes, 2.

So the bill passed.

Mr. Holland moved to amend the title by adding the words, "and other purposes," Carried.

Title as amended agreed to.

Mr. Stansell moved to take up

H. B. No. 43 for consideration. Carried.

H. B. No. 43 was read and considered.

Mr. Leeper moved that the further consideration of the bill be deferred.

Motion lost.

Mr. Stansell moved that the bill be ordered engrossed for a 3d reading.

Mr. Welton moved to lay the bill upon the table. Lost.

The question being upon ordering the bill engrossed, was Carried.

Mr. White, from the Committee of the Whole, (this forenoon,) submitted the following report:

Mr. SPEAKER: The committee of the whole House, through their chairman, report that they have considered

C, B. No. 25, from Section 1 to Section 6, inclusive, and report the same back to the House with the following amendments, to wit:

Insert the words, "or persons," after the word "person," in 5th line from the bottom of Section 4;

And with the above amendment, recommend its passage.

Also, H. B. No. 55, amended, by striking out all after the enacting. Also, strike out enacting clause; and report the same back, and recommend indefinite postponement of the bill.

Also, H. B. No. 54, amended, by striking out "twenty," in 1st line of Section 1, and insert "three;" and report the same back to the House, with recommendation that it pass as amended.

Also, H. B. No. 53. Section 1 amended, by inserting "legally" after the word "now," in line 21. Also, strike out the word "Incompatible," in next to last line of Section 2, and insert "conflicting."

Also, strike out Section, 3 of said act;

And report the same back to the Hoese, with the recommendation that it be referred to a select committee.

Respectfully submitted,

M. C. WHITE, Ch'n.

Report received.

Mr. Lynch moved to take up

H. B. No, 33. Motion lost.

Mr. Stansell, without previous notice, asked leave to introduce

H. B. No, 62, an act to amend an act, entitled an act to incorporate the Tarryall rnd Arkansas River Road Company,

Leave granted,

Mr, Eames, from committee on Agriculture, reported as follows

Mr. Speaker: Your Committee, to whom was referred H. B. No. 21, beg leave to report the same back to the House.

J. H. EAMES, Ch'n.

Mr. Nye, in pursuance to previous notice, asked leave to introduce

H. B. No. 63, an act to amend an act, to incorporate the Cash Creek Fluming Company,

Mr. Nye moved that

C. B. No. 11 be taken up for consideration.

Carried.

Mr. Stansell moved that the further consideration of the bill be deferred, and that the bill be referred to the Committee of the Whole. Carried.

Mr. Marsh moved that

C. B. No. 26 be taken up for consideration. Carried.

C. B. No. 26 read and considered.

Mr. Leeper moved that the bill be ordered printed.

Carried.

Mr. McCannon moved to adjourn until 10 o'clock a. m., to-morrow. Motion lost.

Mr. Eames moved to adjourn until 9 o'clock, a. m. to morrow.

Motion lost.

Mr. Stansell moved to take up

H. B. No. 41. Lost.

Mr. Lynch moved to take up

H. B. No. 49. Carried.

Mr. White moved that the bill be considered read.

Carried.

Mr. Lynch moved that the bill be ordered engrossed for a 3d reading. Carried.

Mr. Marsh moved to adjourn until 9 o'clock, a. m., to-morrow.

Mr. Kelley moved to amend, by making the hour 10 a. m.

Carried.

The House adjourned until 10 o'clock a. m. to-morrow.

THURSDAY, March 3, 1864.

The House met at 10 o'clock a. m., pursuant to adjournment

The Speaker in the chair.

Prayer by the Rev. Mr. Vincent.

Roll called.

Absent—Messrs. Kipp, Mallory and Patterson.

Quorum present.

Journal of the preceding day read and approved.

Mr. Chever, from the committee on enrollment, reported

H. B. No. 44 correctly enrolled.
Report received.

Mr. Marsh, from the committee on judiciary, submitted the following reports:

Mr. Speaker: Your committee to whom was referred

C. B. No. 29, having had the same under consideration, beg leave to report that they would recommend the passage thereof with the following amendment, viz:

Insert after the word "peddling," on the third line from the bottom of section four, the following:

"Any article the produce of this Territory."

Also,

Have considered Council substitute for

H. B. No. 6, and beg leave to report that they would recommend the passage thereof with the following amendments, to wit:

Insert after the word "due," on the second line of section two, "or that may become due, provided the same becomes due within one year."

Strike out the word "or," in the 20th line of said section, and insert "or mining district," after the word "town," on the same line in said section.

Insert after the word "due," on the 4th line from the bottom of said section, "or to become due."

Add the following additional section:

Sec. 30. Any person or persons performing manual labor upon any land, lode, tunnel, claim or ditch, for, or on account of the owner, agent or assign thereof, may, upon complying with the provisions of this act, avail themselves of the benefit of the lien herein provided for, which lien shall be enforced and the rights and duties of the respective parties shall be the same as provided for in the provisions of this act.

Respectfully submitted,
A. MARSH, Ch'n.

Report received.

Mr. Koontz, from the committee on engrossment, reported H. B.'s Nos. 43 and 49 correctly engrossed.

Report received.

Mr. Stansell, from the committee on incorporations, reported as follows:

Mr. Speaker: The committee on incorporations, to whom was referred

C. B. No. 31, a bill for an act to operate a ferry on the Arkansas river, have had the same under consideration, and ask leave to report the same back to the House with the following amendment, and recommend its passage, viz:

Strike out the words "one dollar," in the 16th line of section two, and insert "fifty cents" in lieu thereof.

J. B. STANSELL, Ch'n.

Report received.

Mr. Woods moved that the report of the chairman of the committee of the whole, on

H. B. No. 53, recommending that the bill be referred to a special committee be adopted.

Carried.

The Speaker appointed Messrs. Woods, McCannon and Sheldon such committee.

C. B. No. 28, a bill for an act concerning Probate Courts and Justices of the Peace, in certain cases, was read a first and second time by its title, and referred to the committee on judiciary.

C. B. No. 32, an act to incorporate the Arkansas, Pueblo and Fountain-qui-Bouille Ditch Company was read a first and second time by its title, and referred to the committee of the whole.

Mr. Koontz, in pursuance to previous notice, asked leave to introduce

H. B. No. 64, an act to amend "an act to establish and regulate Territorial roads," which was

Read a first and second time by its title.

Mr. Lynch, in accordance with previous notice, asked leave to introduce

H. B. No. 65, an act to incorporate the Central City and Montgomery Wagon Road Company," which was read a first and second time by its title.

Mr. Judd, having given previous notice, asked leave to introduce

H. B. No. 66, an act defining the right of ranch claim owners in mining districts, which was

Read a first and second time by its title.

H. B.'s Nos. 62 and 63 were read a first and second time by their titles.

On motion of Mr. Judd,

H. B.'s Nos. 62, 63, 64, 65 and 66 were referred to the committee of the whole House.

H. B. No. 49, an act concerning weights and measures was taken up for a third reading.

Mr. White moved that the bill be considered read.

Carried.

Bill considered read, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Welton and Woods—16.

Noes—Messrs. Koontz, Kelley, Lynch, McCannon, Webster and Mr. Speaker—6.

Ayes—16.
Noes—6.

So the bill passed and title agreed to.

H. B. No. 43, an act to incorporate the Occidental Gas Light Company was read a third time.

Mr. Sheldon moved to amend by the adoption of the following additional section:

SEC. 11. If, within two years from the date of the passage of this act, no contract shall have been made by the Council of the city of Denver, with the directors of the body hereinbefore incorporated to supply gas for the use of the said city of Denver, as provided by this act; and if the said company shall have failed to commence in good faith, the construction of the necessary works to supply gas, under the provisions of this act, to the said city of Denver, then this act shall be void and without effect.

Carried.

The question then being upon the final passage of the bill,
The ayes and noes were:

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, Stansell, White and Woods—17.

Noes—Messrs. Chever, Ripley, Webster, Welton and Mr. Speaker—5.

Ayes—17.
Noes—5.

So the bill passed and title agreed to.

Mr. Ripley moved that the House do now resolve itself into a committee of the whole on

H. B. No. 59.
Carried.

The House then went into committee of the whole,

Mr. Chever in the chair.

After some time spent therein, the committee arose,

The Speaker in the chair.

On motion of Mr. McCannon,

The House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment
The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory and Patterson.

Quorum present.

The Sergeant-at-Arms announced a communication from the Secretary of the Territory, which was received and read as follows:

OFFICE OF THE SECRETARY OF
COLORADO TERRITOY,
Denver, March 3, 1864.

To the Honorable J. B. Chaffee, Speaker of the House of Representatives:

SIR: In compliance with your resolution of the 1st inst., I have the honor to transmit the following statement:

I am authorized to pay for each House:

One Clerk, at -	$3 00	per day.
One Assistant Clerk,	"	"
One Sergeant-at-Arms,	"	"
One Messenger,	"	"
One Fireman,	"	"
One Chaplain,	$1 50	"

Your obedient servant,
SAM'L. H. ELBERT,
Secretary of Colorado.

Mr. Leeper moved the adoption of the following resolution:

Resolved, That no new bills of a private nature shall be received by this House during the present session, after Saturday, the 5th inst.

Carried.

Mr. Chever, from the committee of the whole, reported as follows:

MR. SPEAKER: The committee of the whole have had under consideration

H. B. No. 57, a bill for an act to amend "an act regulating elections, and report the same back to the House without amendment and recommend its passage.

They have also considered

H. B. No. 59, a bill for an act to incorporate the Denver and Pacific Wagon Road Company without taking action thereon.

D. A. CHEVER, Ch'n.

Mr. Welton asked leave to withdraw
H. B. No. 33 from the House, and
On motion of Mr. Leeper,
Leave was granted and bill withdrawn.
Mr. Judd, without previous notice, asked leave to introduce
H. B. No. 57, an act to incorporate the Colorado Gold Mining Company of Philadelphia.
Leave granted.
Mr. Lynch, without previous notice, asked leave to introduce
H. J. R. No. 9, relating to State Government.
Leave granted.
Mr. Lynch moved that
H. J. R. No. 9 be read a first and second time.
Carried.
H. J. R. No. 9 was then read a first and second time.
Mr. Lynch moved that the rules be suspended and the resolution be read a third time and put upon its final passage.
Mr, Holland moved that the bill be laid on the table, and the
Ayes and noes being ordered and called were:
Ayes—Messrs. Holland, Kelley, McCannon, Ripley, Webster and Woods—6.
Noes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Stansell, White, Welton and Mr. Speaker—15.
Ayes—6.
Noes—15.
So the motion was lost.
The question being upon the suspension of the rules, and the ayes and noes being ordered and called were:
Ayes—Messrs. Chever, Eames, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, Stansell, White and Mr. Speaker—14.
Noes—Messrs. Garcia, Holland, Kelley, McCannon, Ortega, Webster, Welton and Woods—8.
Ayes—14.
Noes—8.
So the motion was lost.
Mr. Judd moved that the House do now resolve itself into a committee of the whole on
H. B. No. 57.
Carried.
The House then went into committee of the whole.
Mr. Chever in the chair.
After some time spent therein, the committee arose,
The Speaker in the chair.
The chairman of the committee of the whole asked time to prepare his report, which was granted.

The Sergeant-at-Arms announced a communication from the Council, which was

Received and read as follows:

COUNCIL CHAMBER,
March 3rd, 1864.

MR. SPEAKER: I am instructed to inform the House of the passage, by the Council, of the following bills, to wit:

C. B. No. 38, an act further to amend "an act concerning practice in civil cases."

C. B. No. 36, an act to incorporate the Boulder Valley and Black Hawk Wagon Road Company.

C. B. No. 30, a bill for an act to amend "an act concerning jurors, approved Nov. 5, 1861,"

And the concurrence of your Honorable body therein is respectfully requested.

Also,

They have concurred in and passed without amendment

H. B. No. 46, an act to amend "an act to incorporate the Cash Creek Park Ditch Company."

All of said bills are herewith transmitted.

Very Respectfully,
C. B. HAYNES,
Secretary of the Council.

Mr. Holland, from the committee on ways and means, without previous notice, asked leave to introduce

H. B. No. 69, an act to provide for the payment of the clerks and other officers of the Legislative Assembly.

Leave granted.

On motion of Mr. Chever,

The House adjourned until 10 o'clock a. m. to-morrow.

FRIDAY, MARCH, 4th, 1864.

House met pursuant to adjournment, at 10 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson.

Quorum present.

Journal of the preceding day read and approved.

Mr. Chever from the committee on enrollment reported, C. Bs. Nos. 19 and 22, and H. B. Nos. 7, 20, 54 and 42, correctly enrolled.

Report received.

Mr. Chever from the committee on Territorial Affairs, reported as follows:

Mr. Speaker: The committee on Territorial Affairs to whom was referred,

H. B. No. 51, together with the Petition of citizens of Park County, have had the same under consideration and submit the following report.

The bill provides that the Records, Laws and procedings of Buckskin Joe, Montgomery, Independent and Musqueto mining districts, in the said County of Park, be taken as *prima facia* evidence in the matters concerned in such records or proceedings.

The Records, Laws and proceedings of Buckskin Joe mining district, as filed in the office of the County Clerk of said Park County, said books and records having been kept in the office of the Recorder of said County, by said Recorder.

The records of Montgomery mining district, to be taken as *prima facia* evidence up to June 16th, 1862.

The Records of Independent mining district up to June 24th, 1862, and Mosqueto mining district up to January 1st. 1862.

All Lodes discovered in districts above named since the dates named, have been generally pre-empted by the original pre-emptors in the districts, and evidence of such fact recorded in the office of the Recorder of said county, and this bill further provides that such pre-emptors as have not filed their declaration of claims owned by them, by virtue of certificates issued by said District Records, can file such declaration within three months from the passage of this act.

The bill further provides that the original Books, Records etc., of said district, be deposited in the office of the County Clerk of said County, and the Clerk authorized to make true and correct copies thereof up to the dates named.

Your committee recommend that the bill be passed with the following amendment to-wit:

By inserting the word "evidence" after the word "legal" in section 1, fifth line.

Also, by inserting the same word after the word "legal" in 6th line of section 2.

And fifth line of section 3, and 5th line of section 4.

D. A. CHEVER, Ch'n.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
DENVER, March, 4th, 1864.

To the Honorable—The Council and House of Representatives of the Legislative Assembly of Colorado Territory.

GENTLEMEN :—Having received for consideration a bill entitled "an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of Courts in the same," and deeming it of great moment that provision shall be made, which will secure to the people, the full benefits intended in the establishment of our Courts, I have for that purpose deemed it proper respectfully to suggest the passage of a supplementary act, which shall remedy what seem to be defects in the provisions of the bill.

In a communication to the last session of your Honorable body, returning a similar bill, in reference to a section thereof authorizing the Judges to fix the time and place of holding Courts, I remarked that, "agreeably to my understanding of the Organic Act, this contravenes that provision which says." "The said Territory shall be divided into three Judicial Districts and a District Court shall be held in each of said Districts by one of the Justices of the Supreme Court *at such time and place as may be prescribed by law.*"

The object of this provision of the Organic Act, evidently is, to secure regularity in the proceedings of the Courts, and that the public shall have standing notice, not to be varied by any contingencies, of the time and place of holding Courts. The time and place of holding the District Courts, being required to be fixed by law, I judge a power of the kind given the judges in this section, both inexpedient, and in violation of the letter and spirit of the Organic Act."

The Organic Act, which is the only authority for the establishment of our Courts in section 9—the same section creating them, imposes the above conditions thereon, and also provides that "the first six days of said Courts or so much thereof as shall be necessary" "shall be appropriated to the trial of causes arising under the Constitution and Laws of the United States, and of course thereafter other causes shall be heard. Now if the same term of Court is to transact United States and Territorial business which is clearly intended by the language of this section, I cannot perceive how it could be necessary that the time and place for holding one part of it, should be fixed by law and the other be left to the discretion of the Judge.

Nor can I perceive the propriety of regarding a law of Congress passed in 1856, long before the Courts of this Territory

were established or authorized, as over-riding the conditions and provisions of the very law by which our Courts were subsequently created. The evident intention of the provisions of the law of 1856, (page 49 statutes at large,) was to restrict the expenses of holding Courts, which object is by no means in conflict with that important and wise provision of the Organic Act, requiring that suitors in our sparely settled Territory, may have permanent notice of the time and place of holding Courts. That jurors, witnesses and parties to suits in Courts who have to incur great expense and make long and tedious journeys to attend thereon, should be subject to the pleasure of the judge as to the time and place of holding Court, and be liable to get no notice of his appointment, were sufficient reason for fixing the time and place for holding Court by law, aside from any question of Constitutionality.

I therefore hope that a provision may be made by supplementary act fixing the time and place by law for holding the Courts in the Territory. And as the people in some parts of the Territory have had good grounds for complaint because their Courts have not been held. I deem it highly important that some provision shall be adopted if possible to secure all the Courts to be held as provided for by law,

The bill before me proposes giving the Judges a docket fee and I suggest that its reception might be considered upon a faithful compliance on their part, with the requirements to hold Courts, at the specified times and places in their respective districts.

The provision of the bill before me placing Gilpin and Araphoe Counties, which are the most populous in the Territory in the same district, I regard hs unwise for it will prevent the residence of the Judge in one or the other of these Counties and thereby cause inconvenience to the people, especially in the matter of injunctions. And if you should not deem it expedient to change the District, I would respectfully suggest that Probate Judges be authorized to grant injunctions.

I would also suggest the propriety of providing for a term of the Court, that shall attend to United States business, to be held alternately in the mountains and on the plains, in the first and second Districts.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado.

Mr. Leeper moved that,

H. B. No. 23, an act to establish and perpetuate titles to Lode claims, and for other purposes" be taken from the table and

referred to the committee on judiciary.

Carried.

C. Bs. Nos. 30, 36 and 38 were read a first and second time by their titles, and Nos. 30 and 38 referred to the committee on judiciary, and No. 36 to committee on Incorporations.

Mr. Marsh without previous notice, asked leave to introduce,

H. B. No. 69, an act supplementary to an act entitled an act to divide the Territory of Colorado into Judicial Districts, and provide for the holding of Courts therein."

Leave granted and bill read a first and second time by its title.

Mr. Sheldon having given previous notice, asked leave to introduce,

H. B. No. 70, an act to revise and amend, an act entitled an act, to Incorporate the Ute Pass Wagon Road Company.

Which was read a first and second time by its title, and referred to committee on Incorporations.

H. B. Nos. 68 and 69, read a first and second time by their titles.

Mr. Stansell moved that,

H. B. No. 69, be read a third time and put upon its final passage

Carried.

H. B. No. 69, was then read a third time, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, Sheldon, White, Webster, Welton, Woods, Mr. Speaker, 22.

Ayes—22.

Noes—0.

So the bill passed and title agreed to.

H. B. No. 64, an act to amend an act to establish and regulate Territorial roads.

Was read a third time and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 21.

Noes—Mr. McCannon, 1.

Ayes, 21; noes, 1.

So the bill passed and title agreed to.

Mr. Judd moved that,

H. B. No. 57, be considered engrossed and read a third time and put upon its final passage.

Mr. Koontz moved to amend the motion by having the bill ordered engrossed for a third reading.

Carried.

The question being upon the motion as amended.

Carried.

Mr· Welton moved that,

H. B. No. 52, be ordered engrossed for a third reading.

Carried.

Mr. Marsh moved that,

H. B. No. 54, be considered engrossed and read a third time and put upon its final passage.

Carried.

H. B. No. 54, an act amendatory of an act to incorporate the Apex and Gregory wagon road Company, was read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Webster, Welton, Woods, 18.

Noes—Messrs. Chever, Kelley, Mr. Speaker, 3.

Mr. Sheldon excused.

Ayes—18.

Noes—3.

So the bill passed and title agreed to.

Mr. Chever from the committee of the whole, yesterday submitted the following report.

Mr. Speaker:—The committee of the whole have had under consideration,

H. B. No. 57, a bill for an act to incorporate the Denver and Pacific wagon road Company, and amended the same as follows to-wit:

Strike out the words "ninety-nine" in section 2, and substitute the word "fifty."

By striking out in 4th section, 5th line, the word 'June' and substituting the word 'October,' by adding to section 16, the following.

"The rates of toll as specified in this act, shall be reduced to one-half the present rates ten years after the road shall have been completed according to the provisions of this Charter, and the Company shall thereafter be allowed to collect only at this rate.

By inserting after the word road, in 3d line of section 18, the following "after any such judgment."

By adding of additional section, reading as follows:

"Nothing hereinbefore contained shall be so construed as to prevent other road companies construcing roads from other

points in this Territory, from connecting any road or roads of such Companies with the road authorized by this act.

By adding additional Section as follows:

A failure on the part of the company to comply with any provisions of this charter, shall work a forfeiture thereof.

By adding additional section, as follows.

Whenever after twenty years the Territory or State of Colorado, shall propose to purchase said road for the purpose of making the said road free for travel it shall be binding on the owners of said road to sell the same upon a payment of a price sufficient to pay the cost of building the same.

And with these amendments, report the bill back to the House, and recommend its passage.

Also, considered,

H. B. No. 27, and amended the same by substituting the following in place of Section two, and report the same back and recommend its passage.

SEC. 2. All that Territory embraced in the following limits, to-wit:

Commencing on the top of the divide, between Gregory and Chase Gulch, at a point on the western boundary line of the City of Blackhawk, where said line crosses said divide, thence westerly along the divide between Gregory and Chase Gulches and Eureka Gulch and Quartz Valley, to a point due North from the Rocky Mountain Brewery, at the head of Eureka Gulch, thence in a direct line, southeasterly to a point of rocks on the north side of Nevada Gulth, near Sheffus' Store, thence due south to the summit of South Nevada Mountain, thence easterly across Spring Gulch, and along the top of the divide, between Lake and Gregory Gulches, to a point where said line intersects the westerly boundary line of Black Hawk, thence northerly along said line to the place of begining; shall be, and the same is hereby declared to be within the limits of the City of Central.

Also, considered,

H. B. No. 22, and amended the same by substituting the following in place of section 2, and report the same back and recommend its passage, to-wit:

SEC. 2. All that Territory embraced in the following limits, to-wit.

Commencing at a point five rods above the stamp mill of J. A. Hale & Co. in Chase Gulch, thence southerly in a direct line to the east line of Smith & Parmlee's claims, on the extension of the Gregory Lode, thence easterly across said Lode, thence southerly along said Lode, so as to exclude the property of

Briggs & Brother, Smith & Parmlee, to the east line of No. 1, on the Gregory Lode, thence westerly across said Lode to a point, so as to include the Brick store and Dwelling, owned by D. D. Belden, thence southerly along said Lode, so as to include, claims Nos. 1, 2, 3, 4, and 5, with all the property attached to said claims, thence easterly across said Lode on the east line of No. 6, thence southerly along said Lode, so as to exclude all property to No. 16 on said Lode, thence westerly across said Lode to the east line of No. 18, on said Lode, thence across said Lode in a southerly direction to the top of the divide between Gregory and Lake Gulches, thence easterly on said divide to a point due south of the stamp mill of W. H. Dickinson thence north across Clear Creek to the top of the divide on north side of said creek, thence westerly following the dividing ridge, to a point on the divide due north of the stamp mill of Sensenderfer & Buckmiller, thence southerly across North Clear Creek, and across the divide between North Clear Creek and Chase Gulch to the point of beginning; shall be and the same is hereby declared to be within the limits of Black Hawk.

Also, have considered,

H. B. No. 61, and report the same back without amendment, and recommend its passage.

Also, have considered,

H. B. No. 60, and amend the same by adding the following as an additional section.

"This act shall take effect and be in force on and after its passage," and with this amendment recommend its passage.

Also have considered,

H. B. No. 64, and report the same back without amendment and recommend its passage.

D. A. CHEVER, Ch'n.

Report received.

Mr. Marsh from the committee on judiciary reported as follows:

Mr. Speaker:—Your committee to whom was referred,

C. B. No. 23, having had the same under consideration, beg leave to report the same back without recommendation.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. Stansell moved to reconsider the vote on the question to order, H. B. No. 57 engrossed.

Carried.

The question recuring upon the motion to engross was, Lost.

Mr. Stansell moved that the amendments proposed by the committee of the whole be adopted.

Carried.

Mr. Stansell moved that the bill as amended be ordered engrossed.

Carried.

Mr. Welton moved that the vote on motion to order

H. B. No. 52 engrossed, be reconsidered.

Carried.

The question being upon the motion to engross,

Lost.

Mr. Welton moved that the amendments proposed by the committee of the Whole to the bill be adopted.

Carried.

Mr. Welton moved that the bill as amended be ordered engrossed. Carried.

Mr. Marsh moved that

H. B. No. 22 be considered engrossed, and read a 3d time by its title, and put upon its final passage.

H. B. No. 22, an act to incorporate the city of Black Hawk,

Was read a 3d time by its title,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Leeper, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—19.

Noes—Messrs. Holland, Kelley, McCannon—3.

Ayes, 19; noes, 3.

So the bill passed, and title agreed to.

Mr. Judd moved that H. B. No. 27 be considered engrossed, and read a 3d time, and put upon its final passage.

Carried.

Mr. Ripley moved that the bill be considered read.

Carried.

H. B. No. 27, an act to incorporate the City of Central, was

Placed upon its final passage,

And the ayes and noes being called, were,

Ayes—Messrs. Eames, Garcia, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—17.

Noes—Messrs. Holland, Kelley, McCannon—3.

Ayes, 17; noes, 3,

So the bill passed, and title agreed to.

Mr. Webster moved that

C. B. No. 13 be taken up for consideration.

Carried.

C. B. No. 13 read and considered.

Mr. Chever moved that the amendments proposed by the committee of the Whole to the bill be adopted.

Carried.

Mr. Chever moved to amend, by adding an additional section, as follows:

"Provided, that nothing in this act contained, shall vest in said company the right to prevent any person or persons from diverting the water of said South Platte river, for the purpose of irrigating the soil, or for supplying the city of Denver with water for irrigation or other purposes.

Carried.

Mr. Welton moved that the bill be considered engrossed, and read a 3d time, and put upon its final passage.

Carried.

Mr. White moved that the bill be considered read.

Carried.

The question being upon the final passage of the bill,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, McCannon, Nye, Ortega, Stansell, White, Webster, Welton, Woods—17.

Noes—Messrs. Leeper, Marsh, Ripley, Sheldon, Mr. Speaker, 5.

Ayes, 17; noes, 5.

So the bill passed, and title agreed to.

The Sergeant-at-Arms announced a communication from the Council, which was

Received and read as follows:

COUNCIL CHAMBER, March 4, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 35, a bill for an act to amend an act, entitled, "an act to incorporate the City of Denver, herewith transmitted; and the concurrence of your Honorable Body therein is respectfully requested.

Also, they have concurred in House amendments to Council amendments to H. B. No. 31.

Very Respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Stansell moved that

H. B. No. 51 be taken up for consideration.

Carried.

Mr. Stansell moved that the amendments proposed to the bill by the committee on Territorial affairs, be adopted,

Carried.

Mr. Hollane moved that the report of the committee on Territorial Affairs be adopted. Carried.

Mr. Stansell moved that the bill as amended be ordered engrossed for a 3d reading; pending which,

On motion of Mr. McCannon, the House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The House met, pursuant to adjournment, at 2 o'clock p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Chever, Kipp, McCannon, Mallory, Nye and Patterson.

Quorum present.

The consideration of H. B. No. 51 was resumed, and the motion pending being upon the order to engross,

Carried.

Mr. Marsh moved that

C. B. No. 11 be taken up for consideration.

Carried.

C. B. No. 11 was read and considered.

Mr. Marsh moved that the bill be read a 3d time by its title, and put upon its final passage.

Carried.

Messrs. Chever and Nye appeared in their seats.

C. B. No. 11, "an act explanatory of the Clear Creek and Guy Gulch Wagon Road Company," was

Read a 3d time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes— Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton—17.

Noes—Messrs. Chever, Stansell, Woods, Mr. Speaker—4

Ayes, 17 ; noes, 4.

So the bill passed, and title agreed to.

The Sergeant-at-arms announced a message from the Governor, by the hands of his private Secretary, which was received and read, as follows:

EXECUTIVE DEPARTMENT, DENVER, C. T.,
March 4th, 1864.

To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:

SIR: I have the honor to inform the House that I have this day approved and signed the following bills, certified to have originated therein, viz:

An act to amend an act, entitled an act to authorize the appointment of County Commissioners in special cases.

An act for the protection of Sheep, and to prohibit pasturing the same in certain localities.

Very respectfully,
JOHN EVANS,
Governor of Colorado.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 4, 1864.

MR. SPEAKER: I am instructed to inform the House of the passage by the Council of

C. B. No. 41, an act to enlarge the powers of the County Commissioners of Arapahoe County; and your concurrence therein is respectfully requested.

Also, they have concurred in and passed

H. B. No. 48, an act to confirm the appointment of W. S. Walker as Superintendent of Public Schools, and for other purposes, with the following amendments, to wit:

Add to section 1—"Provided, that this act shall apply to the official acts of the said Walker heretofore had and done, and shall not be held or construed to continue the said Walker in office.

SEC. 3.—That the Governor, by and with the advice and consent of the Legislative Council, shall, during the present session of the Legislative Session, and biennially thereafter, appoint a Superintendent of Common Schools for this Territory, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified, and who shall perform such duties and receive such salary as is now or may hereafter be provided by law; *Provided*, that the term of office of the first appointed shall be held to have commenced on the day of the passage of this act:

To which amendment your Honorable Body is respectfully asked to concur.

Also, they have passed, without amendment,

H. B. No. 69, an act supplementary to an act, entitled an act to divide the Territory of Colorado into Judicial Districts, and provide for the holding of Courts therein.

Also, that the Council concurs to House Amendments to

C. B. No. 2, and

Do not concur in

H. S. to C. B. No. 8, an act to change the boundaries of Huerfano County, and re-locate its county seat—herewith returned.

Very respectfully,
C. B. HAYNES,
Sec'y of Council.

Mr. Chever, from the committee on Enrollment, reported C. B's. Nos. 16 and 39 correctly enrolled.

Report received.

Mr. Stansell moved to take up C. B. No. 10 for consideration. Carried.

Mr. Marsh moved that the bill be laid on the table. Motion lost.

Mr. Judd moved that the bill be indefinitely postponed. Carried.

Mr. Marsh moved that the committee on Incorporations be requested to report on H. B. No. 32, *instanter*.

Motion lost.

Mr. Koontz moved to take up H. B. No. 59 for consideration. Carried.

H. B. No. 59 was read and considered.

Mr. White moved to amend, as follows, viz:

Strike out all after the 2d line, in section 28, and insert in lieu thereof the following: "Any sum not exceeding five hundred dollars, nor less than one hundred dollars, or by imprisonment in the county jail, for a term not exceeding six months, nor less than three months, to be adjudged as other penalties under this act."

Carried.

Mr. Webster moved to amend, as follows:

That section 31 be so amended in the 7th line, as to read "six days" instead of "four days;" and that there be added to the section the following, to wit:

"Provided, that informality in the delivery of poll books as directed by this section, shall not invalidate the vote of any precinct, when said poll books shall have been delivered previous to the transmission by the clerk of the abstract of the return to the Secretary of the Territory."

That section 32 be so amended, as to read "tenth" day instead of "seventh" day.

Carried.

Mr. Marsh moved to take up H. B. No. 47 for consideration. Carried.

H. B. No. 47 was read for consideration.

Mr. Marsh moved that the bill be considered engrossed, and read a 3d time by its title, and put upon its final passage.

Carried.

H. B. No. 47, "an act to authorize R. W. Steel to sell and convey certain mining claims," was

Read a 3d time by its title, and

The question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Kelley, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, Stansell, White, Welton, Woods, Mr. Speaker—17.

Noes—Messrs. Judd, Koontz, McCannon, Ortega, Webster, —5. Ayes, 17; noes, 5.

So the bill passed, and title agreed to.

Mr. Stansell moved to take up H. B. No. 41 for consideration.

Carried.

H. B. No. 41 read and considered.

Mr. Stansell moved that the bill be considered engrossed, and read a 3d time, and put upon its final passage.

Mr. Kelley moved that the bill be indefinitely postponed.

The ayes and noes being ordered and called, were,

Ayes—Messrs. Holland, Kelley, Lynch, Sheldon, Webster, Welton, Woods—7.

Noes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Mr. Speaker—15.

So the motion to postpone was lost.

Mr. Judd moved to amend the bill, by striking out the words "Denver City," in 1st section, and inserting "Black Hawk.

otion withdrawn.

Mr. Webster moved to amend, by striking out the words "Denver City" and inserting "on wheels,"

Mr. Ripley called for a division of the question.

The ayes and noes being called for and ordered, were,

Ayes—Messrs. Holland, Kelley, Lynch, Sheldon, Webster, Welton—6.

Noes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Woods, Mr. Speaker—16.

Ayes, 6; noes, 16.

So the motion was lost.

Mr. Holland moved to lay the bill on the table.

Lost.

The question then being upon considering the bill engrossed,

The ayes and noes being called for and ordered, were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Koontz, Leeper, Marsh, McCannon, Nye, Ripley, Stansell, White, Woods, Mr. Speaker—14.

Mr. Judd asked to be excused from voting.

Mr. Lynch objected, and moved that Mr. Judd be required o vote. Carried.

Mr. Judd voted, aye—15.

Noes—Messrs. Holland, Kelley, Lynch, Ortega, Webster, Welton—7.

Ayes, 15; noes, 7.

So the motion prevailed.

Mr. Stansell moved that the bill be read a 3d time by its title.

Carried.

H. B. No. 41, "An act to re-locate the Capital of Colorado,"

Was read a 3d time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, White, Woods, Mr. Speaker—16.

Noes—Messrs. Holland, Kelley, Lynch, Sheldon, Webster, Welton—6.

Ayes, 16; noes, 6.

So the bill passed, and title agreed to.

Mr. Ripley moved to take up

H. B. No. 40. Carried.

The Sergeant-at arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, 3 p. m., March 4, 1864.

MR. SPEAKER: I am instructed to inform your Honorable Body, that the Council, as a tribute of respect to the memory of Hon. J. B. Doyle, deceased, late a member of the Council, adjourned until 10 o'clock a. m., to-morrow.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Nye moved, that as a tribute of respect to the memory of the Hon. J. B. Doyle, deceased, this House do now adjourn until 10 o'clock to-morrow.

Carried.

The House then adjourned.

SATURDAY, MARCH 5th, 1864.

The House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory and Patterson.

Quorum present.

Mr. Marsh moved that the reading of the journal be dispensed with for to-day.

Carried.

Journal approved.

Mr. Marsh, from the committee on judiciary, reported as follows:

Mr. Speaker: Your committee, to whom was referred

C. B.'s Nos. 28, 30 and 35, having had the same under consideration, beg leave to report as follows:

Your committee would recommend the passage of

C. B.'s Nos. 30 and 38 without amendments.

They would further reccmmend the passage of

C. B. No. 28, with the following amendments:

Include the counties of El Paso, Pueblo and Gilpin, with those named in the first section of said act.

Insert after "1861," on the 7th line of section two, the following: "and the several amendatory acts thereto."

Insert after the words "respectively," on the 6th line of section four of said act, the following:

"Except the county of Gilpin."

Insert after the word "act," on the 3rd line of section five, the following:

"Except the county of Gilpin."

Also,

Insert "except the county of Gilpin" after the word "act," on the 3rd line of section seven.

Strike out after the word "act," on the 3rd line of section eight, the following:

"Shall be as now provided by law for the transaction of business under this act."

Insert "except the county of Gilpin" after the word act, on the 3rd line of section fifteen.

Add section seventeen—this act shall take effect and be in force from and after the passage thereof.

Your committee also having had

H. B. No. 50 under consideration, beg leave to report the same back to the House with the recommendation that it do not pass.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. Woods, from special committee, made the following report:

Mr. Speaker: The special committee to whom was referred

H. B. No. 53, "an act to incorporate the Cash Creek and Lake

County Gold Mining Company" have had the same under consideration, and beg leave to report the same back to the House with the following substitute submitted herewith, and recommend its passage.

JOEL WOODS, Ch'n.

Report received.

Mr. Koontz, from the committee on engrossment, reported H. B.'s Nos. 51, 52, 57 and 59 correctly engrossed.

Report received.

Mr. Henson asked leave to withdraw H. B. No. 19, and,

On motion of Mr. Stansell

Leave was granted and bill withdrawn.

Mr. Stansell, from the committee on incorporations, reported as follows:

Mr. Speaker: The committee on incorporation, to whom was referred

H. B. No. 32, "an act to incorporate the City of Black Hawk Gas Light Company" have had the same under consideration, and ask leave to report the same back to the House with the following amendments, and reccommend its passage, viz:

Add section five,

Provided, the said company shall at no time issue their bonds or certificates of indebtedness to an amount exceeding fifty per cent. of its capital stock.

Also, add the following additional section:

Sec. 11. That the said company shall commence the erection of said gas works within one year from the passage of this act, and shall be so far advanced as to be prepared to furnish gas to consumers thereof within two years thereafter, and a failure to do so, or to comply with any of the provisions of this act shall work a forfeiture of the franchises herein granted.

Also,

Have had under consideration

H. B.'s Nos. 67 and 70, and ask leave to report the same back to the House without amendment, and recommend their passage.

Also,

H. B. No. 19, an act to incorporate the Platte City Ditch Company, and ask leave to report the same back to the House without amendment or recommendation.

J. B. STANSELL, Ch'n.

Report received.

Mr. Chever, from committee on enrollment, reported H. B. No. 69 and C. B.'s Nos. 18 and 24 correctly enrolled.

Report received.

Council amendments to

H. B. No. 48 read and considered.

Mr. Marsh moved that the House do concur in Council amendments to the bill.

Carried.

Mr. Sheldon moved that this House do insist upon

H. sub. for C. B. No. 8.

Carried.

Mr. Kelley offered the following resolution:

Resolved, That the committee on printing be authorized to order five hundred copies of the correspondence of the Governor of Colorado and the Governor of New Mexico printed.

Resolution adopted.

C. B.'s Nos. 35 and 41 were read a first and second time by their titles.

Mr. Webster, without previous notice, asked leave to introduce

H. B. No. 71, an act to amend an act entitled "an act to define county boundaries and locate County Seats in the Territory of Colorado.

Leave granted, and

Bill read a first and second time by its title.

Mr. Welton, in pursuance to previous notice, asked leave to introduce

H. B. No. 72, an act to incorporate the Pueblo Town Company, which was

Read a first and second time by its title.

Also, without leave,

H. B. No. 73, an act to incorporate the Excelsior Ditch Company,

Leave granted, and bill

Read first and second time by its title.

Mr. Ripley, in pursuance to previous notice, asked leave to introduce

H. B. No. 74, an act to dissolve the bonds of matrimony between Wm. D. Donaldson and Ruth Donaldson, which was

Read a first and second time by its title.

Mr. Holland having given previous notice, asked leave to introduce

H. B. No. 75, a bill for an act to prevent speculation in Territorial and County Scrip, which was

Read a first and second time by its title.

Mr. Judd having given previous notice, asked leave to introduce

H. B. No. 76, an act to incorporate the Central City and Idaho Wagon Road Company, which was

Read a first and second time by its title.

Mr. Lynch moved that

H. J. R. No. 8 be taken up for consideration.

Carried.

H. J. R. No. 8 read and considered.

Mr. Marsh moved that the bill be considered engrossed, and read a third time and put upon its final passage.

Mr. Webster moved to amend as follows:

Strike out in the preamble the words "desire" and "the."

Motion lost.

The question being upon the question to consider engrossed.

Carried.

Mr. White moved that the bill be read by title.

Carried.

H. J. R. No. 8, in relation to State Government, was

Read a third time by its title, and

The question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Chever, Eames, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, Stansell, White, Webster, Woods and Mr. Speaker—16.

Noes—Messrs. Garcia, Holland, Kelley, McCannon, Ortega and Welton—6.

Ayes—16.

Noes—6.

So the bill passed and title agreed to.

On motion of Mr. Judd,

The House adjonrned until 2 o'clock p. m.

AFTERNOON SESSION.

The House met pursuant to adjournment, at 2 o'clock, p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Mallory, Patterson.

Quorum present.

Mr. Marsh moved that

C. B. No. 28 be taken up for consideration.

Carried.

C. B. No. 28 read and considered with amendments reported by the committee.

Mr. Koontz moved to amend the amendment proposed by inserting Douglas, Clear Creek, Fremont and Jefferson counties.

Carried,

The question then being upon the adoption of the amendment proposed by the committee to section one,

The motion prevailed.

Mr. Marsh moved that the report of the committee on the bill be adopted.

Carried.

Mr. Chever moved the adoption of the following additional section:

That section 10 and 11 of an act amendatory to an act concerning Justices of the Peace and Constables, approved August 15th, 1862 be, and the same are hereby repealed.

Motion lost.

Mr. Kelley moved that the bill be read a third time and put upon its final passage.

Carried.

Mr. Koontz moved that the bill be considered read.

Carried.

The question being upon the final passage of the bill, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton and Woods—20.

Noes—Mr. Speaker—1,

Ayes—20.

Noes—1.

So the bill passed and title agreed to.

Mr. Chever moved that

C. B. No. 14 be taken up and considered.

Carried.

C. B. No. 14, an act to incorporate the Denver Artesian Well Company, taken up and considered.

Mr. Chever moved that the bill be considered read a third time and put upon its final passage.

Carried.

The question being upon the final passage of the bill, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster. Welton and Woods—18.

Noes—Messrs. Judd, McCannon and Mr. Speaker—3.

Ayes—18.

Noes—3.

So the bill passed and title agreed to.

Mr. Webster moved to take up

H. B. No. 60 for consideration.

Carried.

H. B. No. 60 read and considered,

Mr. Webster moved that the bill be considered engrossed and read a third time for final passage.

Carried.

Mr. Ripley moved that the bill be considered read.

Carried.

H. B. No. 60, an act to amend "an act to enable citizens of this Territory in the military service of the United States to vote" being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker—21.

Ayes—21.

Noes—0.

So the bill passed and title agreed to.

Mr. Lynch moved to take up

H. B. No. 61 for consideration.

Carried.

H. B. No. 61 read and considered.

Mr. Lynch moved that the bill be considered engrossed, and be read a third time for final passage.

Carried,

H. B. No. 61, an act to legalize the acts of the Board of Directors of School District No. 5, in Arapahoe County, in certain cases, was

Read a third time, and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker—21.

Noes—0.

Ayes—21.

Noes—0.

So the bill passed and title agreed to.

Mr. Sheldon moved to take up

H. B. No. 70 for consideration.

Carried.

H. B. No. 70 read and considered.

Mr. Stansell moved that the bill be considered engrossed and read a third time and put upon its final passage.

Carried.

H. B. No. 70, an act to revive and amend "an act to incorporate the Ute Pass Wagon Road Company" was

Read a third time, and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, Webster and Woods—18.
Noes—Messrs. White, Welton and Mr. Speaker—3.
Ayes—18.
Noes—3.
So the bill passed and title agreed to.
Mr. Judd moved to take up
H. B. No. 32 for consideration.
Carried.
H B. No. 32 read and considered.
Mr. Stansell moved that the further consideration of the bill be deferred until Monday next, at 2 o'clock p. m.
Carried,
The Sergeant-at-Arms announced a message from the Governor by his private Secretary, which was received and read as follows, viz :

EXECUTIVE DEPARTMENT, C. T.,
March 5th, 1864.

To the Honorable J. B. Chaffee, Speaker of the House of Representatives :

SIR : I haxe the honor to inform the House that I have this day approved and signed the following bills, certified to have originated therein, viz :

An act to divide the Territory of Colorado into Judicial Districts and to provide for the holding of courts in the same.

An act supplementary to an act entitled "an act to divide the Territory of Colorado into Judicial Districts, and to provide for the holding of courts in the same.

Very respectfully, your obedient servant,
JOHN EVANS,
Governor of Colorado.

Mr. Chever moved to take up
C. B. No. 25 for consideration.
Carried.
C. B. No. 25 read and considered.
Mr. Chever moved that the amendments proposed by the committee to the bill be adopted.
Carried.
Mr. Ripley moved to amend by adding the following additional section :
SEC. —. That said company shall not obstruct any ford along the line of said river within the limits of their corporate limits.
Carried.

Mr. Chever moved that the bill be read a third time by its title and put upon its final passage.

Carried.

C. B. No. 25, "an act granting to Francis Smith the right to erect and maintain a bridge across the South Platte River," was Read a third time by its title, and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Marsh, Ortega, Ripley, Sheldon, Stansell, White, Welton and Woods—13.

Noes—Messrs. Koontz, Kelley, Lynch, Leeper, Webster and Mr. Speaker—6.

Ayes—13.

Noes—6.

So the bill passed and title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read as follows:

COUNCIL CHAMBER,
March 5, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 43, a bill for an act to amend an act entitled "an act concerning Justices of the Peace and Constables," herewith transmitted, and your Honorable Body is respectfully requested to concur therein.

Very respectfully,
C. B. HAYNES,
Sec'y of the Council.

H. B. No. 57, an act to incorporate the Denver and Pacific Wagon Road Company, was then taken up for a third reading.

Mr. Koontz moved that the bill be considered read a third time.

Carried.

The question then being upon the final passage of the bill, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker—20.

Noes—Mr. McCannon—1.

Ayes—20.

Noes—1.

So the bill passed and title agreed to.

Mr. Chever, from the committee on enrollment, reported H. B.'s Nos. 31, 37 and 46 correctly enrolled.

Report received.

H. B. No. 52, an act amendatory of an act entitled "an act relating to fencing," was

Read a third time, and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, White, Webster, Welton and Mr. Speaker—16.

Noes—Messrs. McCannon, Ortega, Stansell and Woods—4.

Excused—Mr. Kelley.

Ayes—16.

Noes—4.

So the bill passed, and title agreed to.

H. B. No. 59, an act to amend an act entitled "an act regulating elections," was

Read a third time, and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton and Woods—20.

Noes—Mr. Speaker—1.

Ayes—20.

Noes—1.

So the bill passed and title agreed to.

Mr. Kelley moved to adjourn until 10 o'clock a. m., on Monday next.

Mr. White moved to amend by making it 9 o'clock.

Motion lost.

Original motion carried, and the House adjourned.

MONDAY, March 7, 1864.

The House met at 10 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Kipp, McCannon, Mallory, Nye, Patterson, Welton.

Quorum present.

Journal of the preceding day read and approved.

Mr. Holland presented the petition of one hundred and fifty citizens of Clear Creek county against the removal of the county seat thereof.

Petition received, read, and referred to the Committee of the Whole.

Mr. White, from the committee on Ways and Means, reported as follows:

Mr. Speaker: Your committee, to whom was referred H. B. No. 75, have had the srme under consideration, and beg leave to report the same back to the House, and Recommend its passage without amendment.

M. C. WHITE, Ch'n.

Report received.

Mr. Marsh, from the committee on Judiciary, reported as follows:

Mr. Speaker: Your committee to whom was referred H. B. No. 23, "An act to perpetuate and establish titles to Lode Claims, and for other purposes," have had the same under consideration, and beg leave to report—

"An act to establish the titles to Lode Claims, and establish the time of actions for the recovery of the possession thereof,"

As a substitute, submitfed herewith,

And recommend the passage of the same.

Respectfully submitted,

A. MARSH, Ch'n.

Report received.

Mr. Holland, from the committee on Elections and Apportionment, reported as follows:

Mr. Speaker: The Committee on Elections and Apportionment, to which was referred the communication from the Secretary, giving an abstract of the vote at the last election, beg leave to report the same back, and recommend that it be spread upon the Journal of the House.

E. F. HOLLAND, Ch'n.

Report received.

C. B. No. 43 read a 1st and 2d time by its title, and Referred to the committee on Judiciary.

Mr. Koontz, without previous notice, asked leave to introduce H. B. No. 78, an act to prevent unlicensed Practitioners in medicine from practicing in this Territory.

Leave granted, and bill read a 1st and 2d time by its title.

Mr. Marsh, without previous notice, asked leave to introduce H. B. No. 77, "An act to amend an act, entitled, an act to incorporate the Consolidated Ditch Company."

Mr. Webster objected.

Mr. Stansell moved that leave be granted.

Carried.

Leave granted, and bill read a 1st and 2d time by its title.

Mr. Webster moved to take up H. B. No. 21 for consideration.

Carried.

H. B. No. 21 read and considered.

Mr. Webster moved to amend, as follows: Amend section 1, by striking out in the 3d line, the words "one and a half," and whereever they occur in said section.

In the 5th line strike out fhe words, "not less than."

In th 6th line strike out the word "less," and insert "more" in lieu thereof.

In the 7th line insert the word "three" between the words "with" and "plank."

In the 10th line strike out the word "five," and insert "twelve" in lieu thereof.

Strike out all after the word "apart," in the 11th line;

And all of the 12 line.

Mr. Kelley moved to amend the amendment, as follows:

Strike out all of section 2, and insert the following:—

"That any structure, hedge or ditch, in the nature of a fence, used for the purposes of an enclosure, which is such as good farmers keep, and, as shall on the testimony of good farmers, appear to be sufficient, shall be deemed a lawful fence.

Motion lost.

The question being upon the original motion to amend,

Carried.

Messrs. McCannon, Nye and Welton appeared in their seats.

Mr. Kelley moved to strike out the words "two feet," in section 1, and insert the word "substantially" in lieu thereof.

Carried.

Mr. Webster moved to amend section 3, as follows:

In the 4th line insert the words "and not otherwise," between the words "acts," and "may."

Motion lost.

Mr. Ripley moved to strike out the words "forty-eight hours" in section three, and insert "five days" in lieu thereof.

Carried.

Mr. Kelley moved to strike out the word "six," in section 1, and insert the word "eight."

Carried.

Mr. Garcia moved that "Conejos, Costilla and Huerfano" be inserted in the blank in section 12.

Carried.

Mr. Ripley moved that "Weld County" be inserted in the blank in section 12.

Mr. Koontz moved to amend, by adding the counties "Douglas and Arapahoe."

Amendment accepted.

Mr. Sheldon moved to amend, by adding "El Paso and Pueblo."
Amendment accepted.
Mr. Stansell moved to amend, by adding "Park, Lake, and Summit."
Amendment accepted.
Mr. Marsh moved to amend, by adding "Gilpin."
Amendment accepted.
Mr. Holland moved to amend, by adding "Clear Creek."
Amendment accepted.
The question being upon the motion as amended,
Carried.
Mr. Kelley moved that the bill be ordered engrossed for a 3d reading. Carried.

Mr. Marsh, without previous notice, asked leave to introduce H. B. No. 79, an act to amend an act, entitled an act concerning Justices of the Peace and Constables.
Leave granted, and bill received.

Mr. White gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill making appropriations for the fiscal year commencing January 1st, 1864, and ending December 31st, 1864, and for other purposes.
Mr. Marsh moved to take up
C. B. No. 38 for consideration.
Carried.
C. B. No. 38 read and considered.
M. Marsh moved that the bill be considered read the 3d time, and put upon its final passage.
Carried.
C. B. No. 38, "An act further to amend an act concerning civil cases,"
Being put upon its final passage,
The ayes and noes were,
Ayes—Messrs. Chever, Eames, Garcia, Holland, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Woods, Mr. Speaker—18.
Noes—Messrs. Henson, McCannon, Stansell—3.
Excused—Mr. Welton.
Ayes, 18; noes, 3.
So the bill passed, and title agreed to.
Mr. Ripley moved that
H. B. No. 40 be taken up from the table, and considered.
Mr. Marsh moved to amend, by taking up C. B. No. 26.
Motion lost.
Original motion—Carried.
H. B. No. 40 taken up and considered.
Mr. Ripley moved to amend the bill as follows:

Add after the name of "B. Keith," in section 1, the name of "Allen A. Bradford."

Strike out all of section 4, after the words "as right of discovery."

Add additional section, as follows:

"Nothing in section 5 shall be so construed, as to prevent any person or persons, or Company, from prospecting in any new District organized under the provisions of section 5, and being entitled to all the rights and privileges allowed by the laws of the United States and of this Territory.

Mr. Holland moved to amend the amendment by striking out all of section 5.

Amendment accepted.

Motion as amended—Carried.

Mr. Leeper moved to strike out the word "two," in 2d line of section 4, and insert "one" in lieu thereof.

Carried.

Mr. Koontz moved that the bill be ordered engrossed for a 3d reading. Carried.

Mr. Judd moved to take up H. B. No. 74 for consideration. Carried.

Mr. White moved moved to lay the bill on the table.

Motion lost.

H. B. No. 74 was read and considered.

Mr. Kelley moved that the bill be referred to a committee of old bachelors.

Mr. Marsh moved that it be referred to a committee of doctors. Carried.

The Speaker appointed doctors Kelley and Holland such committee.

Mr. Welton moved to take up H. B. No. 71.

Carried.

H. B. No. 71 read and considered.

Mr. Welton moved that the bill be considered engrossed,

Read a 3d time, and put upon its final passage.

Carried.

H. B. No. 71, an act to amend an act, entitled, "An act to define County boundaries, and locate County Seats in Colorado Territory," was

Read a 3d time by its title, and the question being upon its final passage, the ayes and noes were.

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Stansell, Webster, Welton, Woods, Mr. Speaker—17.

Noes—Messrs. Marsh, McCannon, White—3.

Ayes, 17: noes, 3.

So the bill passed, and title agreed to.

Mr. Koontz moved to take up C. B. No. 35 for consideration.

Carried.

C. B. No. 35 read and considered.

Mr. Nye moved that the bill be referred to the committee on Incorporations.

Mr. Stansell moved to amend, by referring the bill to the committee of the Whole.

Motion lost.

Original motion carried.

On motion of Mr. Judd the House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Mallory, Patterson.

Quorum present.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 7, 1864.

MR. SPEAKER: I have the honor to inform the House that the Council has passed the following bills, to wit:

C. B. No. 47, an act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled an act for the relief of citizens of towns upon lands of the United States, under certain circumstances.

C. B. No. 53, an act for re-copying the old records of Gilpin County, Colorado Territory.

C. B. No. 46, an act to amend an act relating to County and County Officers.

Also, C. J. R. No 2, in relation to translation of Laws into Spanish—herewith transmitted;

And the concurrence of your Honorable Body therein is respectfully requested.

Also, the Council concurs in House Amendments to C. B. No. 25.

Very respectfully,
C. B. HAYNES,
Sec'y of Council.

Mr. Koontz, from the committee on Engrossment, reported H. B. No. 21 correctly engrossed.

Report received.

Mr. Judd asked leave to withdraw H. B. No. 30, and

On motion, leave was granted, and bill withdrawn.

H. B. No. 32 being the special order of the hour, was taken up, read and considered.

The question being upon the amendment proposed by the committee, the amendment was adopted.

The question then being upon the adoption of the additional section proposed by the committee—

Mr. Marsh moved to amend the proposed section, by striking out the word "one" in 3d line, and inserting the word "two."

Carried.

The section as amended was then adopted.

Mr. Judd moved that the bill as amended be ordered engrossed for a 3d reading.

Mr. Nye moved to amend, by adding a section, as follows:

That when this Company shall build or extend their works through or into the corporate limits of any other city than the city of Black Hawk, such extension or works shall be under the direction and with the consent of such Corporation.

Carried.

The question then being upon the order to engross,

Carried.

M. Judd moved that H. B. No. 67 be taken up for consideration. Carried.

H. B. No. 67 read and considered.

Mr. Nye moved that the bill be ordered engrossed.

Mr. Judd moved to amend, by considering the bill engrossed.

Carried.

H. B. No. 67, "An act to incorporate the Colorado Gold Mining Company of Philadelphia," was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Woods—15.

Noes—Messrs. Chever, Leeper, McCannon, Webster, Welton, Mr. Speaker—5.

Ayes, 15; noes, 5.

So the bill passed, and title agreed to.

Mr. Sheldon moved that H. B. No. 28 be taken from the table and considered.

Carried.

H. B. No. 28 taken up and considered.

Mr. Sheldon moved to strike out section 10.

Carried.

Mr. Sheldon moved that the bill be ordered engrossed for a 3d reading. Carried.

Mr. Kelley moved to take up H. B. No. 55 for consideration.

Carried.

Mr. Kelley moved that the bill be indefinitely postponed.

Carried.

Mr. Koontz, without previous notice, asked leave to introduce H. B. No. 80, an act to amend an act, entitled, an act to provide for the increase and time of meeting of the Legislature, approved November 8th, 1861.

Leave granted, and

On motion of Mr. Koontz, bill read a 1st and 2d time by its title.

Mr. Koontz moved that the rules of the House be suspended, and the bill read a 3d time, and put upon its final passage;

And the ayes and noes being ordered and called, were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Nye, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, Mr. Speaker—18.

Noes—Messrs. Marsh and White—2.

Ayes, 18; noes, 2.

So the rules were suspended.

H. B. No. 80 was then read a 3d time,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—18.

Noes—Messrs. Chever, Marsh—2.

Ayes, 18; noes, 2.

So the bill passed, and title agreed to.

Mr. Marsh moved that C. B. No. 30 be taken up and considered. Carried.

C. B. No. 30 read and considered.

Mr. Marsh moved that the bill be read a 3d time, and put upon its final passage.

Carried.

C. B. No. 30, an act to amend an act, entitled an act concerning Jurors, approved November 5, 1861, was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Kelley, Leeper, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—19.

Noes—none.

Ayes, 19; noes, 0.

So the bill passed, and title agreed to.

Mr. Marsh moved that the House do now go into committee of the whole on the general file.

Carried.

The House then went into committee of the whole on the general file,

Mr. Ripley in the chair.

After some time spent therein, the committee arose,

The Speaker in the chair.

The chairman of the committee of the whole asked time to prepare his report, which was granted.

The Sergeant-at-Arms announced a message from the Governor by his private Secretary, which was received and read as follows:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
DENVER, March, 7th, 1864.

To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:

SIR: I have the honor to inform the House that I have this day approved and signed the following bills, certified to have originated therein:

An act to increase the capital stock and extend the privileges of the Jefferson County Irrigating Ditch Company.

An act to amend an act entitled "an act to incorporate the Cash Creek Park Ditch Company," approved August 14, 1862.

An act securing unto James Miller, of Gilpin County, certain rights.

Very respectfully, your obedient servant,
JOHN EVANS,
Governor of Colorado.

Mr. Kelley moved that the House do now adjourn until 10 o'clock a. m. to-morrow.

Mr. Ripley moved to amend by making the hour 9 o'clock a. m.

Carried.

The House adjourned until 9 o'clock a. m. to-morrow.

TUESDAY, MARCH, 8th, 1864.

House met pursuant to adjournment, at 9 o'clock a. m.

The Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Holland, Kipp, Kelley, Mallory, Patterson, White.

Quorum present.

The Journal of the preceding day read and approved.

Messrs. Holland, Kelley and White appeared in their seats.

Mr. Chever from the committee on enrollment reported,

C. B. No. 2, correctly enrolled.

Report received.

Mr. Sheldon from the committee on County and County lines, made the following report:

MR. SPEAKER: Your committee to whom was referred the petition of citizens of Weld and Larimer Counties, praying to be attached to Boulder County, beg leave to report that they have received information that in consequence of some recent Legislative action materially affecting the interests of those Counties, said petitioners have become divided in their statements regarding the objects therein prayed for, many of them feeling disposed to recall said petition.

Your committee therefore recommend that the further consideration of said petition be indefinitely postponed.

A. L. SHELDON, Ch'n.

Report received.

Mr. Stansell, from the committee on incorporations submitted the following report.

MR. SPEAKER: The committee on incorporations to whom was referred, C. B. No. 36, an act to incorporate the Boulder Valley and Black Hawk Wagon Road Company, have had the same under consideration, and and ask leave to report the same back to the House with the following amendments and recommend its passage viz: Strike out section 9.

Also, strike out the words "one branch of" in 2d and 3d line of section 10.

Also, strike out the word "three" in fourth line of section 10 and insert "two" in lieu thereof.

J. B. STANSELL, Ch'n.

Report received.

Mr. Ripley, chairman of the committee of the whole (yesterday afternoon,) submitted the following report.

MR. SPEAKER:—The committee of the whole have had under consideration,

H. B. No. 65, an act to incorporate the Central City and Montgomery Wagon Road Company, and beg leave to report the same back to the House amended as follows to-wit:

Strike out the word "five" and insert "ten" when it lelates to years.

Strike out the word "Central City" in the 4th section and

inseit "south bank of South Clear Creek," and recommend its passage.

Also, C. B. No. 32, an act to incorporate the Arkansas, Pueblo and Fountain-Qui-Bouille Ditch company, and report the same back to the House without amendment and recommend its passage.

Also, C. B. No. 29, "an act concerning "licenses" and report the same back to the House with the following amendments, to-wit:

Amend section 4 so as to make retail Liquor licences "Fifty Dollars" instead of "twenty-five."

Amend section 21, so as to make Bowling Alleys and Billiard Saloons pay "Ten Dollars" for alley or table instead of "Five."

Also, add additional section.

"Nothing in this act shall be so construed as to make it lawful for the before mentioned tribunals to grant licenses for the keeping of gambling or bawdy houses."

Also, insert after the word "peddling" in the 3d line from the bottom of section 4, the following, "any article, the produce of this Territory."

And recommend its passage.

Also, H. B. No. 56, and report the same back to the House with the following amendment:

Strike out all after the enacting clause and insert.

"That an act establishing the mode of locating and changing County seats approved Nov. 7, 1861, be amended as follows viz:

Strike out the word "inhabitants," and insert the words "loyal voters" in the first line of section 3d of said act, and recommend its passage.

Respectfully Submitted,

D. RIPLEY, Ch'n.

Report received.

C. J. R. No. 2, in relation to translating the laws into Spanish read a first and second time by its title. C. B. No. 44, "an act for the protection of Roads" was read a first and second time by its title and referred to the committee of the whole.

C. B. No. 46, an act in relation to Counties and County officers was read a first and second time by its title, and referred to the Committee of the whole.

C. B. No. 49, an act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled an act for the relief of citizens of Towns upon lands of the United States under certain circumstances.

Was read a first and second time by its title, and referred to the committee of the whole.

C. B. No. 53, an act to provide for re-copying the old records of Gilpin County, was read a first and second time by its title and referred to the committee of the whole.

H. B. No. 79, read a first and second time by its title, and referred to the committee of the whole.

H. B. No. 21, a bill for an act concerning fencing was taken up for a third reading.

Mr. Webster moved to amend by the following additional section, to-wit:

The owner of any animal, that is unruly, and in the habit of breaking through or throwing down fence, if after being notified that such animal is unruly and in the habit of breaking through and throwing down fence as aforesaid, he shall allow such animal to run at large, shall be liable for all damages caused by such animal, and any and all other animals that may be in company with such animals.

Carried.

Mr. Judd moved that the bill be considered read a third time.

Carried.

The question then being upon the final passage of the bill, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Lynch, Leeper, Nye, Ripley, Sheldon, Stansell, Webster, Welton, Woods, 12.

Noes—Messrs. Cheyer, Henson, Judd, Koontz, Ortega, Mr. Speaker, 6.

Ayes, 12; noes, 6.

So the bill passed.

Mr. Webster moved to amend the title by substituting the following, viz:

"An act relating to lawful fences, partition fences, and the trespassing of animals,

Carried.

Title as amended agreed to,

Mr. Koontz from the committee on engrossment reported,

H. Bs. Nos. 32 and 40 correctly Engrossed.

Report received.

Mr. Chever from the committee on Territorial affairs without previous notice asked leave to introduce,

H. J. M. No. 2, a memorial to Congress.

Leave granted, and memorial received.

Mr. Marsh moved that,

H. B. No. 77, be taken up for consideration.

Carried.

H. B. No. 77, was read and considered.

Mr. Marsh moved that the bill be considered engrossed, and read a 3d time by its title, and put upon its final passage.

Carried.

H. B. No. 77, an act to amend an act to incorporate the consolidated Ditch Company.

Was read a third time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Leeper, Marsh, McCannon, Ortega, Ripley, Sheldon, Stansell, White, Woods, Mr. Speaker, 15.

Noes—Messrs. Chever, Nye, Lynch, Webster, Welton, 5.

Excused, Messrs. Koontz, Kelley.

Ayes—15.

Noes—5.

So the bill passed and title argeed to.

Mr. Judd, moved that,

H. B. No. 58, be taken up for consideration.

Carried.

H. B. No. 58, read and considered.

Mr. Holland moved to strike out the last clause of the last section.

Carried.

Mr. Marsh moved that the bill be considered engrossed and put upon its final passage.

Carried.

Mr. Stansell moved that fhe bill be considered read a third time. Carried.

H. B. No. 58, "an act to incorporate the Black Hawk mining company," being put upon its final passage the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Judd, Kelley, Leeper, Lynch, Marsh, McCannon, Nye, Ripley, Sheldon, Stansell, White, Welton Woods,—15.

Noes—Messrs. Chever, Henson, Koontz, Leeper, Ortega, Webster, Mr. Speaker, 7.

Ayes—15.

Noes—7.

So the bill passed and title agreed to.

Mr. Stansell moved that,

H. B. No. 53, be taken up for consideration.

Carried.

H. B. No. 53 read and considered.

Mr. Stansell moved that the bill be considered engrossed for a third reading.

Carried,

Mr. Stansell moved that the bill be considered read.

Carried.

H. B No. 53, an act to incorporate the Cash Creek and Lake County Mining company, being then upon its final passage, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Henson, Judd, Kelley, Lynch,

Marsh, Nye, Ripley, Sheldon, Stansell, Welton, Woods, 13.

Noes—Messrs. Chever, Holland, Koontz, McCannon, Ortega, White, Webster, Mr. Speaker, 8.

Ayes—13.

Noes,—8.

So the bill passed and title agreed to.

Mr. Lynch moved to take up H. B. No. 65. for consideration.

Carried.

H. B. No. 65 read and considered.

Mr. Lynch moved that the bill be ordered engrossed for a third reading.

Motion lost.

Mr. Marsh moved that the amendment proposed by the committee of the whole be adopted.

Carried.

Mr. Holland moved to amend section 4 by inserting after the word "locate" the words "from the two termini named."

Carried.

Mr. Lynch moved that the bill as amended be ordered engrossed for a third reading.

Carried.

Mr. Koontz, moved that C. B. No. 41, be taken up for consideration.

Carried.

C. B. No. 41, read and considered.

Mr. Holland moved that the bill be read a third time and put upon its final passage.

Carried.

Mr. Webster moved that the bill be considered read a third time.

Carried.

H. B. No. 41, an act to enlarge the powers of the County Commissioners of Arrapahoe County" being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Welton, Woods, Mr. Speaker, 17.

Excused Mr. Lynch.

Ayes—17.

Noes—0.

So the bill passed, and title agreed to.

Mr. White moved that,

H. B. No. 75, be taken up for consideration.

Carried.

H. B. No. 75, read and considered.

Mr. Chever moved that the bill be considered engrossed for a third reading.

Carried.

Mr. Chever moved that the bill be considered read.

Carried.

H. B. No. 75, an act to prevent speculation in Territorial and County scrip.

Being upon its final passage, the ayes and noes were,

Ayes, Messrs. Chever, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Sheldon, White, Welton, Woods, Mr. Speaker, 16.

Noes—Messrs. Eames, McCannon, Ripley, 3.

Ayes—16.

Noes—3.

So the bill passed and title agreed to.

Mr. Welton moved that,

C. B. No. 32, be taken up for consideration.

Carried.

Mr. Sheldon, moved that the bill be read a third time by its title, and put upon its final passage.

Carried.

C. B. No. 32, an act to incorporate the Arkansas, Pueblo and Fountain-qui-Bouille, Ditch Company.

Being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Welton, Woods, Mr. Speaker, 17.

Noes—Mr. Henson, 1.

Ayes—17.

Noes—1.

So the bill passed and title agreed to.

Mr. Marsh moved that,

H. B. No. 79, be taken up for consideration.

Carried.

H. B. No. 79 read and considered.

Mr. Marsh moved that the bill be considered engrossed for a third reading.

Carried.

No objection being made the rules were considered suspended and,

H. B. No. 79, "an act concerning justices of the peace and constables," was read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Welton, Woods, Mr. Speaker, 19.

Noe—Mr. McCannon, 1.

Ayes—19.

Noes—1.

So the bill passed, and title agred to.

Mr. Holland moved that,

H. B. No. 40, be read a third time and put upon its final passage.

Carried.

H. B. No. 40, an act to incorporate the Rocky Mountain Exploring, Prospecting and mining company.

Was read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Kelley, Lynch, Leeper, Nye, Ortega, Ripley, Stansell, Welton, 12.

Noes—Messrs. Chever, Koontz, Marsh, McCannon, Sheldon, White, Webster. Mr. Speaker, 8.

Ayes—12.

Noes—8.

So the bill passed and title agreed to.

The Sergeant-at arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER,
March 8, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills, to-wit;

C. B. No. 33, an act to amend an act entitled an act regulating the "fees of officers, jurors and witnesses" approved Nov. 8th, 1861.

C. B. No. 45, "an act to enable citizens of this Territory in the military service of the United States to vote."

C. B. No. 37, a bill for "an act relating to the sufficency of the security on Official Bonds, and for other purposes."

And the concurrence of your Honorable Body is respectfully requested therein.

They have also concurred in, and passed,

H. J. R. No. 8, preamble and resolutions, relating to State Government.

Also, H. B. No. 35, an act to amend an act entitled an act, providing for the collection of the revenue, with the following amendments thereto, to-wit:

In section 1, second line from the bottom, strike out the word "five" and insert instead thereof, the word "two."

In section 9, eighth line from the top, strike out the word "fifteenth" and insert the word "last."

Also, insert after the figures "1862," in fourth line of section 12, an act supplemental to an act providing for the collection of the revenue, approved Nov. 7th, 1861. Approved August 15, 1862.

Also, "an act to increase the revenue," approved August 15th, 1862, strike out the word "is" in last line of said section, and insert instead thereof, the word "are."

Also, H. B. No. 16, a bill for an act relating to marriages.

And have amended the same, as follows, to-wit:

'Strike out all of section 3, after the word cause, in the 11th, line.

Also, add section 12, as follows:

All marriages which have been solemnized in this Territory-whether by any President or Judge of any mining district elect, ed under, and acting by the laws thereof, or by any Justice of the Peace or Clergyman, prior to the passage of this act, are hereby confirmed and made legal, and all children, the issues of such Marriages shall have the same rights in law and equity, as if such marriages had been solemnized according to the provisions of this act." To which amendments you are respectfully requested to concur.

Also, the Council concur in House amendments to C. B. No. 28.

Very Respectfully,
C. B. HAYNES,
Secretary of the Council.

Mr. White, previous notice having been given, asked leave to introduce,

H. B. No. 81, "an act making appropriations for the fiscal year, commencing January, 1st. 1864, and ending December, 31, 1864, which was read a first and second time by its title and referred to the committee on ways and means.

Mr. Nye, without previous notice, asked leave to introduce, H. B. No. 82, an act amendatory of an act, establishing the Common School system.

Leave granted and bill read a first and second time by its title, and referred to the committee of the whole.

Mr. Leeper moved that,

H. B. No 23, be taken up for consideration.

Carried.

Mr. Marsh moved that, the substitute to the bill reported by the committee on judiciary, be read and considered.

Carried.

H. S. for H. B. No. 23, read and considered.

Mr. Leeper, moved that the report of the committee on the bill be adopted.

Carried.

Mr. Marsh moved that the bill be ordered engrossed.

Lost.

Mr. Holland moved to defer the further consideration of the bill until this afternoon.

Carried.

Mr. Welton moved that, H. B. No. 72, be taken up for consideration.

Carried.

H. B. No. 72, read and considered.

Mr. Welton asked leave to withdraw the bill from the House. Leave granted and bill withdrawn.

Mr. White moved that the House do concur in Council amendments to

H. B. No. 35.

Carried.

Mr. White moved that the House do concur in Council amendments to

H. B. No. 16.

Carried.

Mr. Ripley moved that

C. B. No. 36, with the amendments proposed by the committee of the whole, be read and considered.

Carried.

C. B, No. 36, with amendments, was taken up and considered.

Mr. Marsh moved that the further consideration of the bill be deferred, and the bill be referred to the committee of the whole.

Motion lost.

Mr. Ripley moved that the amendments reported by the committee of the whole be adopted.

Mr. Marsh moved to amend the propcsed amendment by striking out the word "two" and insert "one" in lieu thereof, in the 4th line of section ten.

Carried.

The question being upon the adoption of the amendment as amended.

Carried.

Mr. Marsh moved that the bill be read a third time and put upon its final passage.

Carried.

Mr. Marsh moved that the bill be considered read a third time.

Carried.

C. B. No. 36, an act to incorporate the Boulder Valley and Black Hawk Wagon Road Company, being put upon its final passage, the ayes and noes were:

Ayes—Messrs. Holland, Koontz, Kelley, Lynch, Marsh, Ripley, Sheldon and Woods—8.

Noes—Messrs. Chever, Eames, Garcia, Leeper, McCannon, Nye, Ortega, Stansell, White, Webster, Welton and Mr. Speaker—13.

Ayes—8.

Noes—13.

So the bill was rejected.

On motion,

The House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The House met, pursuant to adjournment, at 2 o'clock p. m

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Mallory, Patterson and Welton.

Quorum present.

H. B. No. 51 being the special order for the hour, was taken up, and the question being upon the final passage of the bill,

The ayes and noes were:

Ayes—Messrs. Chever, Garcia, Henson, Judd, Koontz, Lynch, McCannon, Ortega, Stansell and Woods—10.

Noes—Messrs. Holland, Kelley, Ripley, Sheldon, Webster and Mr. Speaker—6.

Ayes—10.

Noes—6.

So the bill passed and title agreed to.

H. B. No. 23 being the special order for the House, was taken up.

Mr. Welton appeared in his seat.

Mr. Henson moved that the further consideration of the bill be deferred until to-morrow.

Lost.

Mr. Holland moved to strike out the first two sections of the bill, and

The ayes and noes being ordered and called, were:

Ayes—Messrs. Garcia, Holland, Henson, Kelley, Nye and Ortega.

Noes—Messrs. Judd, Koontz, Lynch, Leeper, Marsh McCannon, Ripley, Sheldon, Stansell, White, Welton, Woods and Mr. Speaker.

Messrs. Chever and Webster asked to be excused.

Mr, Leeper objected, and,

On motion,

They were required to vote.

Mr. Chever voted aye,

Mr. Webster voted no.

Ayes—7.
Noes—14.
So the motion was lost.

Mr. Holland moved to add to section one as follows: *Provided*, also, that actual notice be given to any person claiming a right on any road by record of the same in a District or County Record.

Motion lost.

Mr. Marsh moved to adopt the following additional section, viz:

It shall be the duty of the Recorder last in office, of all the old mining districts in this Territory, or other persons with whom the original records of said Districts may be deposited, and in cases when the same have not heretofore been filed, to file the same with the County Recorders of their respective counties, within ninety days from the passage of this act, or on failure thereof, shall be subject to a fine not to exceed five hundred dollars, to be recovered before any court having jurisdiction thereof; one half of said fine, when collected, to go for the benefit of common schools of this Territory, and the other half to the informer; and when such records are filed, they, or a copy thereof duly certified to by the Recorder, as in other cases, shall be received as evidence in all the Courts of this Territory, subject to all just exceptions as to the credibility,

Mr. White moved to amend the proposed section by striking out the words "ninety days" and insert the word "four months" in lieu thereof.

Amendment accepted.

The section as amended was then adopted.

Mr. Henson moved to strike out the word "two" before years, and insert "five."

Lost.

Mr. Henson moved that the bill be indefinitely postponed.

Motion lost.

Mr. Holland moved to insert "Clear Creek" after the word "Lake," in section four.

Motion lost.

Mr. Marsh moved that the bill be ordered engrossed for a third reading.

Carried.

Mr. Stansell, from the committee on incorporations, reported as follows:

Mr. Speaker: The committee on incorporations, to whom was referred

C. B. No. 35, a bill for an act to amend an act entitled "an act to incorporate the city of Denver" have had the same under

consideration, and ask leave to report it back to the House with the following amendments, and recommend its passage, viz:

To the third clause of section three add the following words: "The City of Denver shall have the exclusive right within the corporate limits of said city."

Also, after the word "otherwise," in the fifth line from the bottom, in section twenty-three, add the following:

"And shall return monthly to the City Council all bonds, scrip, or orders he may have redeemed or paid to be canceled by them."

Also, add to section twenty-four "*And provided further*, That warrants drawn on the City Treasurer of said city, may be drawn in such sums, not less than twenty-five dollars, as the person entitled to such warrants may elect."

J. B. STANSELL, Ch'n,

Report received.

Mr. Lynch moved that

C. J. R. No. 2 be read and considered.

Carried.

Mr. Garcia moved that the bill be read a third time and put upon its finall passage.

Carried.

Mr. Judd moved that the bill be considered read.

Carried.

C. J. R. No. 2, in relation to translating the laws into Spanish being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Garcia, Holland, Judd, Lynch, Leeper, Nye, Ortega, Ripley, Sheldon, Stansell, Welton and Mr. Speaker—12.

Noes–Messrs. Chever, Koontz, Kelley, Marsh, McCannon, White, Webster and Woods—8.

Ayes—12.

Noes—8.

So the bill passed and title agreed to.

In accordance with the bill, the Speaker appointed Messrs. Welton, Marsh and Nye as such committee on the part of the House.

Mr. Koontz, from the committee on engrossment, reported H. B.'s Nos. 28 and 65 correctly engrossed.

Report received.

Mr. Marsh moved that the House do now go into committee on the general file.

Carried.

The House then went into committee of the whole.

Mr. Koontz in the chair.

After some time spent therein the committee arose.

The Speaker in the chair.

Mr. Koontz, chairman of the committee of the whole, asked time to prepare his report, which was granted.

The Sergeant-at-Arms announced a message from the Governor by his private Secretary, which was received and read as follows:

EXECUTIVE DEPARTMENT, C. T.,
March 8th, 1864.

To the Honorable J. B. Chaffee, Speaker of the House of Representatives:

SIR: I have the honor to inform the House that I have this day approved and signed the following bills, certified to have been originated therein, viz:

An act to enable the superintendent of common schools for El Passo and Park counties to apply the school fund of said counties to the use of schools in the several districts thereof.

An act to legalize the assessment of property in certain cases.

An act to authorize the County Commissioners of Gilpin County to pay certain juror's fees.

An act to prevent felons from practicing in the Courts of this Territory.

Very respectfully,
Your obedient servant,
JOHN EVANS,
Governor of Colorado.

Mr. Chever, from the committee on enrollment, reported C. B. No. 14 correctly enrolled.

Report received.

Mr. Webster moved to reconsider the final vote on C. B. No. 36.

Carried.

Mr. Webster moved to defer the final vote upon the bill until to-morrow.

Carried.

Mr. Nye moved to adjourn until 9 o'clock a. m. to-morrow.

Mr. Ripley moved to amend by making it until 7 o'clock this evening.

Lost.

The original motion prevailed, and

The House adjourned until 9 o'clock a. m., to-morrow.

WEDNESDAY, MARCH 9th, 1864.

The House met at 9 o'clock a. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Kelley, Mallory, Patterson.

Quorum present.

Mr. Koontz, from the committee on engrossment, reported H. B. No. 23 correctly engrossed.

Report received.

Mr. Koontz, chairman of the committee of the whole, (yesterday afternoon) submitted the following report:

MR. SPEAKER: The committee of the whole House have had under consideration

C. B. No. 44, an act for the protection of roads, and beg leave to report the same back to the House with the following amendments, to wit:

Strike out in section two the words "one hundred" and insert in lieu thereof "ten"; also, strike out in section three the words "twice the sum of"; also, further amend section two by striking "courts of record" and inserting "any court having competent jurisdiction"; also, by adding the following as an additional section:

"That fines accruing by the provisions of this act shall be paid into the County Treasury for the use of common schools of this Territory," and with the above amendments recommend its passage.

Also, H. B. No. 68, an act to provide for the payment of the clerks and other officers of the Legislative Assembly, and recommend its passage with the following amendments, to wit:

Insert in proper place, "to each of the messengers, one dollar." Strike out "five" and insert "six" in section one, where it refers to the Interpretor.

Also, amend so as to make the pay of the Sergeant-at-Arms "three dollars per day" instead of "two dollars per day."

Also, by striking out the words "six" and "three" where they refer to the pay of clerks and other officers of the Council, leaving it blank.

Respectfully submitted,
J. A. KOONTZ,
Ch'n. of Com. Whole House.

Mr. Holland moved that the report of the committee be adopted, excepting that portion relating to roads.

Carried.

Mr. Chever moved the adoption of the following resolution:

Resolved, That the enrolling and engrossing committees be authorized to employ assistant clerks if the services of the same shall be necessary. Carried.

Mr. Holland moved that the report of the committee on elections and apportionment be adopted, and the abstract of votes be spread upon the journal of the House.

Mr. White moved that abstract of votes be referred to a special committee. Carried.

The Speaker appointed Messrs. White, Lynch and Stansell such committee.

C. B. No. 33, an act to amend an act entitled "an act regulating the fees of officers, jurors and witnesses, approved Nov. 8th, 1861, was

Read a first and second time by its title, and referred to the committee of the whole.

C. B. No. 37, an act relating to the sufficiency of official bonds and for other purposes, was read a first and second time by its title, and referred to the committee of the whole.

C. B. No. 45, an act to enable citizens of this Territory in the military service of the United States to vote, was

Read a first and second time by its title.

Mr. White moved that the rules be suspended, and that

C. B. No. 45 be read a third time and put upon its final passage. Carried.

C. B. No. 45 was read a third time.

Mr. Ripley moved that the vote on the bill be deferred until to-morrow.

Mr. Marsh moved to amend by saying, this afternoon.

Amendment accepted.

Motion carried.

Mr. Nye, without previous notice, asked leave to introduce

H. B. No. 83, an act amendatory of "an act to incorporate the Colorado and Pacific Wagon, Telegraph and Railroad Company.

Leave granted, and bill

Read a first and second time by its title, and referred to the committee on incorporations.

H. J. M. No. 2 read a first and second time by its title, and referred to the committee on federal relations.

H. B. No. 23 was read a third time, and the question being upon its final passage,

Mr. Stansell moved to amend by adding a section as follows:

That section four, of this act shall not be deemed to extend to the records of the several Districts in Park County.

The ayes and noes being ordered and called were:

Ayes—Messrs. Chever, Eames, Garcia, Henson, Nye, Stansell and Woods—7.

Noes—Messrs. Holland, Judd, Koontz, Lynch, Leeper, Marsh, Ortega, Ripley, Sheldon, White, Webster, Welton and Mr. Speaker—13.

Ayes—7.

Noes—13.

So the motion was lost.

Mr. Holland moved to strike out section five.

The ayes and noes being ordered and called, were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Lynch, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker—16.

Noes—Messrs. Lynch, Marsh, McCannon, Nye, and Ortega—5.

Ayes—16.

Noes—5.

So the motion prevailed.

Mr. Marsh moved the adoption of the following addititional section:

SEC. —. That the old mining records referred to in section four, of this act, are taken to be the same as required to be filed in pursuance to section twelve, of an act entitled "an act concerning lode claims," approved Nov. 7th, 1861, and no others.

Carried.

Mr. Holland moved to amend the bill by the adoption of three additional sections, as follows:

SEC. —. That when the miners of any organized county in this Territory shall adopt, in mass convention, or convention of delegates from each election precinct therein, any rules or regulations concerning lode claims, not conflicting with the laws of this Territory or of the Congress of the United States, said mining laws shall be recorded in the office of the County Recorder, and shall thereafter become legal evidence in courts of this Territory, and take precedence, and annul all local mining District laws, and be of uniform force and effect throughout said county.

SEC. —, Said convention shall be holden at the County Seat of said County, and at least twenty day's notice of such meeting shall be given by posting notices in each of the mining districts therein, and a copy of such laws and proceedings, sworn to by the officers of said convention, shall be filed in the office of the County Clerk of said county, within three days after said meeting.

SEC. —. That when the citizens of any unorganized county in this Territory, or the miners of any portion of an organized county of the same, at a distance of over twenty miles from the County Seat, or separated from the latter by a range of mountains, impassable at any season of the year, shall institute or

adopt any local laws or regulations as above prescribed, such mining laws shall clearly define the boundaries of said new mining district, and all the original laws and record books of the same shall be filed in the office of the County Recorder, or if there be no Clerk or Recorder acting in the county, in the office of some adjoining county within ninety days from the day of holding said convention.

Mr. Webster moved that the further consideration of the bill be postponed.

Motion lost.

Mr. Sheldon called for a division of the question.

The question then being upon the adoption of section one of the proposed amendments, and the ayes and noes being ordered and called were:

Ayes—Messrs. Garcia, Holland, Henson, Lynch, McCannon, Nye, Webster, Welton and Woods—9.

Noes—Messrs. Chever, Eames, Judd, Koontz, Leeper, Marsh, Ortega, Ripley, Sheldon, Stansell, White and Mr. Speaker—12.

Ayes—9.

Noes—12.

So the motion was lost.

Mr. Holland withdrew the amendments.

The question being upon the final passage of the bill, the ayes and noes were:

Ayes—Messrs. Judd, Lynch, Leeper, Marsh, Sheldon, Stansell, White and Mr. Speaker—8.

Noes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, McCannon, Nye, Ortega, Ripley, Webster, Welton and Woods—13.

Ayes—8.

Noes—13.

So the bill was rejected.

The Sergeant-at-Arms announced a communication from the Council, which was

Received and read as follows:

Council Chamber,
March 9, 1864.

Mr. Speaker: I have the honor to inform the House that the Council have concurred in and passed without amendment

H. B. No. 57, an act to incorporate the Denver and Pacific Wagon Road Company.

H. B. No. 22, an act to incorporate the City of Black Hawk.

H. B. No. 49, an act concerning weights and measures.

Also,

They have passed

H. B. No. 27, "an act to incorporate the City of Central," with the following amendments, to wit:

Insert after the word "years," in 2nd line of section two, article four, the words "not being negroes or mulattoes."

Also,

H. B. No. 38, an act to amend "an act to organize and establish the Treasury Department" with the following amendments:

Strike out in fourth and fifth lines of section three, after the words "sum of," the words "one hundred," and insert instead thereof the words "three hundred;" and in fifth and sixth lines of section eight, between the words "of" and dollars" the words "eight hundred," and insert "one thousand" instead.

Also,

H. B. No. 59, an act to amend an act entitled "an act regulating elections," with the following amendments thereto, to wit:

Insert after the word "months," in the third line of section one, and in the second insert after the word "upwards" "not being a negro or mulatto."

Add section 2. And if the person to whom such oath shall be tendered shall refuse to take the same, he shall not be allowed to vote at such election.

Also,

H. J. R. No 6, for compensation to Fred, J. Stanton for services on publication of the statutes of the Legislative Assembly, and have amended the same by striking out the words "three hundred and thirteen dollars and fifty cents" and inserting the words "two hundred and fifty dollars" instead thereof.

Also,

H. J. R. No. 7, for the payment of Fred. J. Ebert for constructing maps of the Territory of Colorado, with the following amendments, to wit:

Strike out the words "three hundred" whenever it occurs in the bill, and insert the words "one hundred and fifty,"

To which amendments you are respectfully asked to concur.

Also, that they have passed

C, B. No. 57, "an act relating to contagious diseases" in animals.

Also,

C, B. No. 56, an act to amend an act entitled "an act to establish the common school system.

Also,

C. J. R, No. 3, joint resolution in relation to compensation to Samuel Howe, Sheriff of Arapahoe county, and your concurrence therein is respectfully requested.

Also,

That they have concurred in House amendments to Council Bill No, 13.

And that the Council has appointed as committee to act with the committee appointed by the House on C. J. R. No. 2, in relation to translation of laws into Spanish, Messrs. Loveland and Whitsett.

Very respectfully,
C. B. HAYNES,
Sec'y of the Council.

H. B. No. 65, an act to incorporate the Central City and Montgomery Wagon Road Company, was

Read a third time.

Mr. Ripley moved the adoption of the following additional section, viz:

That all fines accruing by the provisions of this act shall be paid into the County Treasury for the use of common schools of this Territory, except that part to be paid to the informer.

Carried.

The question being upon the final passage of the bill, the ayes and noes were:

Ayes—Messrs. Chever, Eames, Garcia, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Ortega, Ripley, Sheldon, Stansell, Welton and Woods—16.

Noes—Messrs. Nye, White, Webster and Mr. Speaker—4.

Ayes—16.

Noes—4.

So the bill passed and title agreed to.

H. B. No. 32, an act to incorporate the Black Hawk Gas Light Company, was taken up for a third reading.

Mr. Marsh moved that the bill be read the third time by its title.

Carried.

The bill was then read a third time by its title, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, Stansell, White, Webster, Welton and Woods—19.

Noes—Messrs. Ripley and Mr. Speaker—2.

So the bill passed and title agreed to.

H. B. No. 28, an act for the collection of taxes from the non-resident stock owners, was then taken up for a third reading.

Mr. Sheldon moved that the bill be read a third time by its title.

Carried.

The bill was read by its title, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Lynch, Marsh, Nye, Ortega, Sheldon, Stansell, White, Webster, Welton, Woods and Mr. Speaker—16.

Noes—Messrs. Chever, Eames, Leeper, McCannon and Ripley—5.

Ayes—16.

Noes,—5.

So the bill passed and title agreed to.

C. B. No. 36 was then taken up.

Mr. Chever moved to defer further action on the bill until to-morrow.

The ayes and noes being called for and ordered, were:

Ayes—Messrs. Chever, Eames, Garcia, Henson, Koontz, Leeper, McCannon, Nye, Ripley, Stansell, Webster, Welton, Woods and Mr. Speaker—14.

Noes—Messrs. Holland, Judd, Lynch, Marsh, Ortega, Sheldon and White—7.

Ayes—14.

Noes—7.

So the motion prevailed.

Mr. Chever moved that the House do concur in Council amendments to H. B. No. 27.

Carried.

Mr. Judd moved to take up

H. B. No. 68 for consideration.

Carried.

H. B. No. 68 taken up and considered.

Mr. McCannon moved that the further consideration of the bill be deferred.

Motion lost.

Mr. Koontz moved that the bill be ordered engrossed as amended.

Carried.

Mr. Judd moved to take up

C. B. No. 49 for consideration.

Carried.

C. B. No. 49 read and considered.

Mr. Ripley moved to amend by inserting after the word "Judge" the words "other person or persons," whenever it occurs in this act relating to entry of town sites.

On motion of Mr. White,

The House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Eames, Kipp, Kelley, Mallory, Patterson.

Quorum present.

The consideration of C. B. No. 49 resumed.

The question being upon the adoption of amendment proposed by Mr. Ripley, the ayes and noes being called for, and ordered were,

Ayes—Messrs. Garcia, Ripley, Webster, 3.

Noes—Messrs. Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Sheldon, Stansell, White, Woods, Mr. Speaker, 15.

Ayes—3.

Noes—15.

So the amendment was lost.

Mr. Sheldon moved to amend by adding the following to section 10, "*Provided*" that nothing in this section shall be so construed as to recognize the right of any persons who have virtually abandoned any land held as a townsite to any title therein.

Carried.

Mr. Sheldon moved that the bill be read a third time by its title, and put upon its final passage.

Carried.

C. B. No. 49, an act prescribing rules for the government of towns and cities entering land under the pre-emption laws of the United States," was read a third time by its title, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Woods, Mr. Speaker, 19.

Noes—0.

Ayes—19.

Noes—0.

So the bill passed and title agreed to.

Mr. Chever from the Committee on enrollment, reported C. Bs. Nos. 25, 32, 38, 41 and C. J. R. No. 2, correctly enrolled.

Report received.

Mr. Koontz from the Committee on engrossments reported, H. B. No. 68, correctly engrossed.

Report received.

C. B. No. 45, being the special order for the House, was then taken up.

Mr. Lynch moved that the bill be referred to a special Committee. Motion lost.

The question being upon the final passage of the bill, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd

Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, White, Welton, Woods, Mr. Speaker, 17.

Noes—Messrs. McCannon, Stansell, Webster, 3.

Ayes—17.

Noes—3.

So the bill passed and title agreed to.

Mr. Webster moved that C. B. No, 27, be taken up for consideration.

Carried.

C. B. No. 27, read and considered.

Mr. Webster moved that the bill be read a third time for final passage.

Carried.

C. B. No. 27, an act to amend an act to establish and regulate Territorial Roads.

Was read a third time, and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, Mr. Speaker, 18.

Noes—Mr. White, 1.

Ayes—18.

Noes—1.

So the Bill passed.

Mr. Webster moved to amend the title by adding "August 15th, 1862."

Carried.

Title as amended agreed to.

Mr. Welton, moved to take up,

H. B. No. 73, for consideration.

Mr. Judd, moved to amend by taking up C. B. No. 29.

Lost.

Original motion carried.

H. B. No. 73, read and considered.

Mr, Ripley moved to amend by adding a section as follows:

That all fines incurred by the provisions of this act shall be paid into the County Treasury, for the use of "Common Schools,"

The ayes and noes being called for, and ordered were,

Ayes—Messrs. Garcia, Holland, Henson, Judd. Koontz Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Stansell, Sheldon, White, Webster, Woods, Mr. Speaker, 17.

Noes—Messrs. McCannon, Welton, 2.

Ayes—17.

Noes—2.

So the motion prevailed.

Mr. Sheldon moved to fill the blank in section 3, by inserting "twenty."

Carried.

Mr. Koontz, moved to fill the blank in section 4, by inserting the words "not to exceed three dollars per annum.

Carried.

Mr. Sheldon moved that the bill be considered engrossed.

Mr. Stansell moved to amend by ordering the bill engrossed.

Amendment accepted.

Motion as amended.

Carried.

Mr. Nye moved that C. J. R. No. 2, be read a first and second time, and referred to a special committee.

Carried.

C. J. R. No. 2, read a first and second time by its title.

The Speaker appointed,

Messrs. Nye, Chever and Welton such committee.

Mr. Lynch moved that,

C. B. No. 26, be taken up for consideration.

Carried.

C. B. No. 26, read and considered.

Mr. Sheldon moved to amend,

Section 3, by inserting after the word "payable" in the fifth line, the words "as therein specified."

Carried.

Mr. Sheldon moved to adopt the following additional section:

"Section 14, That nothing in this act shall be construed to affect or impair an act entitled an act to provide for stay of proceedings in Foreign indebtedness, approved Nov. 5th, 1861."

Carried.

Mr. Leeper moved to strike out all after the enacting clause, and insert substitute as follows, viz:

Section 1. That all voluntary debts, contracted within this Territory, after the 4th day of July, 1864, for property and value of any kind, shall be exempt from the operations of all laws for the collection of debts and no suits shall thereafter be entertained by any Court of this Territory, for the collection thereof.

Section 2. The term voluntary debts, as applied in this act, shall be held and taken to be all debts and obligations to pay money or value of any kind or character, growing out of a contract made, or contracted directly by the free will and voluntary consent of both the contracting parties.

Section 3. This act shall not be so construed as to affect suits for the collection of debts, now commenced and pending.

Section 4. All laws and parts of laws intervening with and contrary to this act are hereby repealed, and declared void, so far as they apply to voluntary debts.

Section 5. This act shall be in force and effect after the 4th day of July 1864.

Motion lost.

Mr. Holland moved that the bill be indefinitely postponed.

Carried.

Mr. White moved that the House do concur in Council amendments to H. B. No. 38.

A division of the question was ordered.

The question then being upon Council amendment to section 3.

The ayes and noes being called for, and ordered were,

Ayes—Messrs. Chever, Nye, Stansell, White, Welton, Mr. Speaker, 6.

Noes—Messrs. Garcia, Holland, Henson, Koontz, Lynch, Leeper, McCannon, Ortega, Ripley, Sheldon, Webster, Woods.

Ayes—6.

Noes—12.

So the House disagreed to the amendment.

The question then being upon the amendment to section 8, and the ayes and noes being ordered, and called were,

Ayes—Messrs Chever, Eames, Leeper, Nye, Stansell, White, Welton. 7.

Noes—Messrs. Holland, Henson, Koontz, Lynch, McCannon, Ortega, Ripley, Sheldon, Webster, Woods, Mr. Speaker, 11.

Ayes—7.

Noes—11.

So the House disagreed to the amendment.

Mr. Chever moved that the House do concur in Council amendments to H. J. R. No. 6,

Carried.

Mr. White moved that the House do not concur in Council amendments to H. J. R. No. 7.

Carried.

Mr. Stansell, from the Committee on Incorporations made the following report.

Mr. Speaker the Committee on Incorporations, to whom was referred,

H. B. No. 83, an act amendatory of an act to Incorporate the 'Colorado and Pacific Wagon, Telegraph and Railroad Company' have had the same under consideration, and report the same back without amendment, and recommend its passage.

J. B. STANSELL, Ch'n.

Mr. Webster moved to take up,

H. B. No. 56, for consideration.

Carried.

H. B. No. 56, read and considered.

Mr. McCannon moved a call of the House.

Carried.

The Speaker ordered a call of the roll.

The roll having been called,

Messrs. Eames, Judd, Kipp, Kelley, Mallory, Patterson, were reported absent.

The Sergeant-at-Arms, was ordered to bring the absentees into the House.

Mr. Stansell moved that Mr. Judd, be excused.

Carried.

Mr. Nye moved that Mr. Kelley be excused.

Carried.

Mr. Stansell moved that Mr. Eames be excuse.

Lost.

Mr. moved that further proceedings under the call be dispensed with.

Carried.

The Sergeant-at Arms appeared with Mr. Eames, and reported Mr. Kelley not found.

The Speaker under the rules assessed a fine of two dollars against Mr. Eames to be paid to the Sergeant-at-Arms.

Mr. Lynch moved that the report of the Committee on the bill be adopted.

Carried.

Mr. Stansell moved that the bill be considered engrossed.

Mr. Webster moved that the bill be ordered engrossed.

Carried.

Mr. Webster moved to take up H. B. No. 50.

Carried.

Mr. White moved that the bill be indifinitely postponed.

Carried.

Mr. White moved that C. B. No. 35, be taken up and considered.

Carried.

C. B. No. 35, read and considered.

Mr. White moved that the report of the Committee be adopted. Carried.

Mr. Nye moved that the bill be read a third time for final passage.

Mr. White moved that the bill be read a third time by its title. Carried.

C. B. No. 35, an act to amend an act to incorporate the City of Denver, was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Stansell,

White, Webster, Welton, Woods, 17.

Noes—McCannon, Sheldon, Mr. Speaker, 3.

Ayes—17,

Noes—3.

So the bill passed and title agreed to.

Mr. Lynch without previous notice, asked leave to introduce H. B. No, 84, an act to regulate the recording of lode mining claims, in Colorado Territory.

Leave granted, and on motion of Mr. Lynch, the bill was read a first and second time.

Mr. Webster moved to take up, C. B. No. 44, for consideration. Carried.

C. B. No. 44, read and considered.

Mr. Webster moved that the report of the Committee on the bill be adopted.

Carried.

Mr. Koontz moved to amend by rejecting the amendments.

Motion lost.

Original motion carried.

Mr. Webster moved that the bill be ordered to a third reading.

Carried.

C. B. No. 44, an act for the protection of roads was

Read a third time, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Garcia, Holland, Koontz, Nye, Ortega, Ripley, Sheldon, Welton, Webster, Woods and Mr. Speaker—11.

Noes—Messrs. Chever, Eames, Henson, Judd, Lynch, Leeper, McCannon, Stansell, White—9.

Ayes—11.

Noes—9.

So the bill passed and title agreed to.

Mr. Holland moved that the House do now resolve itself into a committee of the whole, on the general file.

Carried.

The House then went into committee of the whole,

Mr. Holland in the chair.

After some time spent therein, the committee arose,

The Speaker in the chair.

Mr. Stansell moved that the use of this hall be tendered to the Territorial Convention, to meet to-morrow at 2 o'clock p. m.

Carried.

Mr. Koontz, from the committee on engrossment, reported H. B.'s Nos. 56 and 73 correctly engrossed.

Report received.

Mr. Koontz moved to adjourn until 7 o'clock this evening.
Lost.
On motion of Mr. Chever,
The House adjourned until 9 o'clock, to-morrow.

THURSDAY, MARCH 10, 1864.

The House met pursuant to adjournment, at 9 o'clock, a. m.
The Speaker in the chair.
Roll called.
Absent—Messrs. Kipp, Mallory, Patterson.
Quorum present.
Journal of the preceding day read and approved.
Mr. Marsh, from the committee on Judiciary, submitted the following report:

MR. SPEAKER: Your Committee to whom was referred
C. B. No. 37, having had the same under consideration, beg leave to report, that they would recommend the passage thereof without amendment,

Respectfully submitted,
A. MARSH, Ch'n.

Report received.
Mr. Ripley, from the committee on Education, reported as follows:

MR. SPEAKER: Your committee to whom was referred
H. B. No. 82, have had the same under consideration, and would recommend that the bill be so amended as to require the County Commissioners of each County of this Territory to allow a reasonable compensation to the School Superintendent of their respective counties as shall be just, in proportion to the amount of services performed by said Superintendent.
All of which is respectfully submitted.
DAVID RIPLEY, Ch'n.

Report received.
Mr. Ripley, from the committee on Mines and Minerals, reported verbally, that they have had
H. B. No. 84 under consideration, and report the same back to the House with the following amendments, and recommend its passage:
Add to Section 1—"And it shall be the duty of all District or

local Recorders in the organized counties of this Territory, to file their books and records in the County Recorder's office, on or before the first day of June, 1864."

Report received.

Mr. Holland, chairman of the committee of the Whole, (yesterday afternoon,) submitted the following report:

MR. SPEAKER: The chairman of the Committee of the Whole beg leave to report, that it has had under consideration

C. B. No. 31, and amended the same by striking out the word "them," when it refers to years, and insert the word "three" in its stead, in section 4, and report the same back without recommendation.

Also, H. B. No. 78, amended, by adding the following section: "That the counties of Conejos, Costilla, Huerfano and Lake, be exempted from the provisions of this act;" and report the same back.

Also, C. B. No. 46, amended, by inserting the word "executed," instead of "execution," in section 8, and report the same back.

Also, C. B. No. 53, and report the same back without amendmsnt or recommendation.

Also, H. B. No. 76, and report the same back without recommendation. Respectfully,

E. F. HOLLAND, Ch'n.

Report received.

Mr. Nye, from Special committee, reported as follows:

MR. SPEAKER: Your Special Committee, to whom was referred

C. J. R. No. 3, having had the same under consideration, beg leave to report: That we find the facts set forth in said C. J. R. are substantially correct: That Samuel Howe was compelled to received said prisoners, according to the statutes of this Territory, and that the price charged was the the same as was allowed for other prisoners at that time: Also, that we are not advised that the claimant can get his pay in any other manner than made and provided for in said Resolution.

Therefore, we would unanimously recommend the passage of the same by this House, without amendment.

JOHN A. NYE, Ch'n.

Report received.

Mr. Kelley, from Special Committee, reported as follows:

Mr. SPEAKER: Your committee to whom was referred H. B. No. 74, an act for the dissolution of the bonds of matrimony between W. D. Donaldson and Ruth Donaldson, have had the same under consideration, and beg leave to report the same back, and recommend that it be indefinitely postponed.

JAMES KELLEY, Ch'n.

Report received.

Mr. Ripley asked leave to withdraw H. B. No. 74 from the House.

Leave granted, and bill withdrawn.

Council Amendments to H. B. No. 59 were read and considered.

Mr. Judd moved that the House do concur in Council Amendments to the bill.

A division of the question being called for,

The question was upon the concurrence in amendment to Section 1—Carried.

The question then being upon the amendment to section 2—Carried.

C. B. No. 56, an act to amend an act to establish the Common School System, was

Read a 1st and 2d time by its title, and

Referred to the committee on Education.

C. B. No. 57, an act concerning Contagious Diseases among animals, was

Read a 1st and 2d time by its title, and

Referred to the committee on Agriculture.

Mr. Nye moved to take up H. B. No. 83 for consideration.

Carried.

H. B. No. 83 read and considered.

Mr. Nye moved that the bill be considered engrossed, and read a 3d time for final passage.

Carried.

H. B. No. 83, an act to amend the Colorado and Pacific Wagon Road Charter, was read a 3d time,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Judd, Koontz, Kelley, Lynch, Leeper, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Woods, Mr. Speaker.

Noes—Mr. Henson.

Messrs. Marsh and Welton asked to be excused from voting.

Mr. Stansell objected, and on motion, they were required to vote.

Mr. Welton voted aye.

Mr. Marsh voted no.

Ayes, 19; noes, 3.

So the bill passed, and title agreed to.

Mr. Koontz moved that H. B. No. 78 be taken up and considered. Carried.

H. B. No. 78 read and considered.

The question being upon the adoption of the amendment proposed by the committee of the Whole.

Mr. Welton moved to amend the amendment, by including Huerfano County.

Mr. Woods moved to include Lake County.

Amendment accepted.

Motion lost.

The question recurring upon the motion to adopt amendmen

Motion lost.

Mr. Koontz moved that the bill be considered engrossed.

Lost.

Mr. Koontz moved that the bill be ordered engrossed.

Carried.

The Sergeant-at arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 10, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council have concurred in and passed without amendment, the following bills, to-wit:

H. B. No. 3. an act to legalize the records of Fremont County

H. B. No. 54, an act amendatory of an act to incorporate the Apex and Gregory Wagon Road Company.

H. B. No. 10, a bill for an act concerning Roads and Highways.

H. B. No. 64, a bill for an act to amend an act, to establish and regulate Territorial Roads.

H. B. No. 67, an act to incorporate the Colorado Gold Mining Company of Philadelphia.

H, B. No. 75, a bill for an act to prevent speculation in Territorial and County Scrip.

H. B. No. 77, an act to amend an act, entitled, an act to incorporate the Excelsior Ditch Company.

H. B. No. 80, a bill for an act to amend an act, entitled, an act to provide for the increase and time of the meeting of the Legislature, approved November 8, 1861.

Also, H. B. No. 52, an act amendatory to an act, entitled "An act relating to Fencing," with the following amendments to-wit: Strike out all of Section 1.

Also, H. B. No. 47, "An act to authorize and enable Rober W. Steel, to sell and convey certain mining claims," with the following amendment, to-wit:

Strike out the word "obtained," in 2d line from bottom of section 1, and insert the word "attained," instead thereof.

H. B. No. 43, an act to incorporate the Occidental Gas-light Company of the City of Denver, with the following amendments, to-wit: Strike out all of Sections 6, 7, 8, 9 and 10, and insert as follows:

Sec. 6.—The said Company shall be allowed to charge for the Gas manufactured and furnished to the city of Denver, or any of the inhabitants thereof, not to exceed six dollars for each thousand cubic feet, for the term of ten years from the date of the passage of this act; and at the rate of five dollars per thousand cubic feet, after the expiration of ten years, and during the remainder of their corporate existence.

Sec. 7.—The corporation hereby created shall complete the works for manufacturing Gas to be supplied to the city of Denver, and the inhabitants thereof, so far as to supply Gas to said city and inhabitants thereof within three years from the passage of this act; and if the said corporation shall fail to comply with the provisions of this section, the said corporation shall have no exclusive right to furnish Gas as aforesaid, whatsoever, and any and all exclusive privileges herein granted to said corporation shall cease and determine.

Add the following section:

The provisions of this charter shall extend to all the additions that have been or may hereafter be added to the city of Denver.

Strike out House amendments to Section 10.

Also, H. B. No. 26, an act entitled an act to amend an act to enable Road, Ditch, Manufacturing, and other Companies to become bodies corporate, with the following amendments, to-wit:

Strike out the word "forty," in the 9th line from the bottom of Section 1, and insert the word "twenty" in lieu thereof.

Add to Section 10 the following:

"Nor for the purchase of stock in their own company or corporation, in the corporate name, nor shall such company or corporation acquire or hold any stock or share therein."

Strike out the word "legal" in the last line of Section 11, and insert the words "prima facia" instead thereof.

Strike out the word "stock" in the 6th line of Section 14.

Strike out the word "payment" in the 2d line from the bottom of Section 17, and insert the word "re-payment" instead thereof.

Strike out the word "personal" in 6th line of Section 19, and insert the word "person" instead thereof.

Strike out the words, "*Provided*, that the route named does not conflict with the rights of any Company already acquired," in 10th, 11th, 12th and 13th lines of Section 28, and add the same at the end of that section.

Insert, after the word "incorporation," in the 2d line of said section, the following: "In addition to the matters herein before required to be stated therein."

"Strike out the word "specify," in the 8th line of Section 31, and insert in lieu thereof, the following: "In addition to the matters required in Section 1 of this of this act specified."

Strike out the word "where," in 11th line of said section, and insert the words, "at, or near which."

Insert in the 2d line from the bottom of Section 32, after the word "miners," the words "and agriculturalists."

Strike out the words "the way," occurring after the word "as," in 5th line of Section 33.

Insert after the word "certificate," in the 4th line of Section 35 the following: "In addition to the matters required in the 1st section of this act."

Insert after the word "certificate" in the 6th line of Section 36 the following: "In addition to the matters required by the 1st section of this act."

Add the following section:

"Whenever any road, ditch, telegraph, or fluming Company, organized under the provisions of this act, shall not have acquired by gift or purchase, any land, real estate or claims, required for the construction or maintenance of any road, ditch, telegraph or flume, or which may be affected by any operation construction or maintenance of the same, the said corporation may present to the Probate Judge of the county wherein such land, real estate, or claim shall lie, a petition signed by the president, attorney or agent of the same, describing with convenient accuracy, and certainty, by map or otherwise, the land, real estate or claims so required to be taken, or as aforesaid, setting forth the name and residence of each owner, or other person interested therein as owner, lessee or incumbrancer, as far as known to such president, attorney or agent, or appearing of record, and praying the appointment of three appraisers, to ascertain the compensation to be made to such owners and persons interested for the taking or injuriously affecting such lands, real estate or claims as aforesaid, the Probate Judge shall have satisfactory evidence that notice of an intended application, and the time and place thereof for the appointment of appraisers between said corporation and the owners and persons interested in such lands, real estate and claims had been given, at least ten days previously, to such owners personally, at their residence, or on the premises, or by the publication thereof, in a newspaper printed in the county in which said lands, real estate or claims shall lie; or if no newspaper is published in said county, then by posting three or more notices in some public places in said county, such publications to be allowed only in respect to owners or persons interested, who shall appear by affidavit to have no residence in the county known to such president, attorney or agent, which notice shall be published at least thirty

days prior to the time fixed for the application, as aforesaid. The Court may adjourn the proceedings from time to time, shall order any future notice thereof to be given that may seem proper, shall have proofs and allegations of all parties interested touching the regularity of the proceedings, and shall by an entry in its minutes appoint three disinterested appraisers as aforesaid, specifying in such entry a time and place for the first meeting of said appraisers. The said appraisers before entering upon the duties of their office shall take an oath to faithfully and impartially discharge their duties as said appraisers, and any one of them may administer oaths to witnesses produced before them. They may issue subpœnas and compel witnesses to attend and testify, and may adjourn and hold meetings for that purpose, and shall give reasonable previous notice to such owners or parties interested. They shall hear the proofs and allegations of the parties, and any two of them after reviewing the premises, shall, without fear, favor or partiality, ascertain and certify the compensation proper to be made to said owners or parties interested, for the lands, real estate, or claims to be taken or affected as well as all damages accrueing to the owners or parties interested in consequence of the condemnation of the same, taken, or injuriously affected as aforesaid, making such deductions or allowances for real benefits or advantages which such owners or parties interested may derive from the construction of said road, ditch, telegraph or flume. They, or a majority of them, shall make, subscribe and file with the Clerk of the county, in which such lands, real estate or claims shall lie, a certificate of their ascertainment and assessment, in which said lands, real estate or claims shall be described with convenient certainty and accuracy. The Probate Judge upon such certificate and due proof that such compensation and separate sums, if any be certified, have been paid to the parties entitled to the same, or have been deposited to the credit of such parties in the County Treasury or other place for that purpose approved by the Court, shall make and cause to be entered in its minutes, a rule describing such lands, real estate, or claims in manner aforesaid, such ascertainment of compensation, with the mode of making it, and such payment or deposit of the compensation as aforesaid, a certified copy of which rule shall be recorded and indexed in the Recorder's office of the proper county, in like manner and with like effect as if it were a deed of conveyance from the said owners and parties interested to the said corporation. Upon the entry of such rule the said corporation shall become seized in fee, or shall have the exclusive right, title and possession of all such lands, real estate, or claims described in said rule, as required to be taken as aforesaid, during the continuance of the corporation, and may take possession of

and hold and use the same for the purposes of said road, ditch, telegrapn or flume, and shall therefore be discharged from all claim for any damages by reason of any matter specified in such petition, certificate or rule of said Probate Judge.

If at any time after an attempted or actual ascertainment of compensation under this act, or any purchases by, or donation to, said corporation of lands or claims for the purpose aforesaid, it shall appear that the title acquired thereby, to all or any part of such lands for the use of said corporation, or if said assessment shall fail, or be deemed defective, the said corporation may proceed and perfect such title, by procuring an ascertainment of the compensation proper to be made, to any person who has title, claim or interest in, or lives upon such lands, and by making payment thereof in the manner hereinafter provided as near as may be; and at any stage of such new proceedings, or of any proceedings under this act, the Probate Judge may by rule in that behalf made, authorize the said corporation, if already in possession, and if not in possession, to take possession of and use said premises during the pendency, and until the final conclusion of such proceedings, and may stay all actions and proceedings against such corporation, on account thereof; *Provided* such corporation shall pay a sufficient sum into Court or give approved security to pay the compensation in that behalf when ascertained and in any case, when possession shall be so authorized it shall be lawful for the owners to conduct the proceedings to a conclusion if the same shall be delayed by the company. The said appraisers shall receive ten dollars per day as compensation for each day actually employed, such compensation to be taxed and allowed by the Probate Judge. If any appraiser so appointed, shall die, be unable or fail to serve, the Court may appoint another in his place, on reasonable notice of the application, to be approved by the Probate Judge. Applications may be made to the District Court in the same manner as herein provided and the District Court may thereupon cause such proceedings to be had and taken in like manner, and with the same effect as herein required respecting the Probate Court.

Strike out the word "flume" in the 13th line from the bottom of Section 42, and add to said section the following: "The time for the completion of any flume constructed under the provisions of this act, shall not be extendod beyond a period of four years."

To which amendments you are respectfully asked to concur.

The Council has also passed

C. S. to H. B. No. 29, a bill for an act for the protection of farmers against the depredations of Stock in Douglas and Weld counties.

C. B. No, 48, an act to exempt soldiers from service by publication in suits at law.

C. B. No. 50, an act to repeal an act, entitled an act to incorporate the Tarryall and Arkansas River Wagon Road Company

All of said bills herewith transmitted; and the concurrence of your Honorable Body therein is respectfully requested.

Very respectfully,
C. B. HAYNES,
Sec'y of Council.

Mr. Holland moved that H. B. No. 76 be taken up for consideration. Carried.

H. B. No. 76 taken up for consideration.

Mr. Holland moved that the bill be considered engrossed. Carried.

Mr. Holland moved that the bill be read a 3d time for final passage. Carried.

H. B. No. 76, an act to incorporate the Central City and Idaho Wagon Road Company was put upon its final passage.

Mr. Ripley moved to amend by adding section as follows:

"That all fines incurred by the provisions of this act shall be paid into the County Treasury for the use of Common Schools." Carried.

The question then being upon the final passage of the bill,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, Welton, Woods—18.

Noes—Messrs. White, Webster, Mr. Speaker—3.

Ayes, 18; noes, 3.

So the bill passed and title agreed to.

H. B. No. 56, an act to re-locate the county seat of Clear Creek County, was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker—21.

Noes, none.

Ayes, 21; noes, 0.

So the bill passed.

Mr. Koontz moved to amend the title by striking out all of title, and insert as follows:

"An act to amend an act, entitled an act to establish the mode of locating and changing County Seats, approved November 7th, 1861.

Carried.

Title as amended agreed to.

H. B. No. 73, an act to incorporate the Excelsior Ditch Company, was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Welton, Woods—17.

Noes—Messrs. Stansell, White, Webster, Mr. Speaker—4.

Ayes, 17: noes, 4.

So the bill passed, and title agreed to.

H. B. No. 68, "An act to provide for the payment of the clerks and other officers of the Legislative Assembly," was

Read a 3d time, and the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ripley, Sheldon, White, Webster, Welton, Woods—17.

Noes—Mr. Stansell, Mr. Speaker—2.

Ayes, 17; noes, 2.

So the bill passed, and title agreed to.

C. B. No. 6 being the special order for the hour, was taken up,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, Wedster, Welton, Woods—19.

Noes—Mr. White, Mr. Speaker—2.

Ayes, 19; noes 2.

So the bill passed, and title agreed to.

Mr. Koontz moved that C. S. for H. B. No. 29 be taken up, and read the 1st and 2d time.

Carried.

C. S. for H. B. No. 29 read a first and second time.

Mr. Koontz moved that the rules be suspended, and the bill be read a 3d time for final passage.

Motion lost.

Mr. Leeper moved that the House do concur in Council Amendments to H. B. No. 47.

Carried.

Mr. Judd moved that the House do concur in Council Amendments to H. B. No. 43; and

The ayes and noes being called for, and ordered, were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, McCannon, Nye, Ortega, Ripley, Stansell, White, Woods, Mr. Speaker—17.

Noes—Messrs. Leeper, Marsh, Sheldon, Webster, Welton—5.

Ayes, 17; noes, 5.

So the House concurred in the amendments.

Mr. Chever, from the committee on Enrollment, reported C. Bs. No. 30, and H. B's. Nos. 16, 35, 48, 57, and H. J. R. No. 8, correctly enrolled.

Report received.

Mr. Ripley moved that

H. B. No. 84 be taken up for consideration.

Carried.

H. B. No. 84 read and considered, and amendment proposed by the committee on mines and minerals adopted.

Mr. Holland moved to amend, by adding thereto the following:

"Who shall record the same in conformity with the local laws of the mining district in which the lode may be situated: *Provided*, no one lode shall be recorded more than eight hundred feet from the discovery, each way."

Mr. White moved to amend the amendment, by striking out after the word "laws," all to the word "situated;" and strike out the word "local;" and insert after the word "laws"—"of Colorado Territory."

Carried.

Amendment as amended adopted.

Mr. Ripley moved that the bill be ordered engrossed, as amended.

Carried.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 10, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council have adopted the following Resolution:

"*Resolved*, That a joint committee of two from the Council, and three from the House of Representatives shall be appointed to ascertain whether any errors exist in the enrolled copy of C. B. No. 25, "An act granting to Francis Smith the right to erect and maintain a bridge across the South Platte River;"

And to correct the same, and report their action to their respective Houses, and have appointed Messrs. Loveland and Berry, and ask that your Honorable Body appoint a like committee on the part of the House.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

The Speaker appointed Messrs. White, Chever and Holland as such committee.

Mr. Ripley moved to take up H. B. No. 26, and consider Council amendments to the bill.

Carried.

H. B. No. 26 taken up, and amendments considered.

Mr. White moved that the House do not concur in Council amendments to Section 1.

Motion lost.

Mr. White moved that the bill be read a 3d time by its title, for final passage.

Mr. Ripley moved that the House do concur in the Council amendments to the bill.

Carried.

Mr. White moved that C. B. No. 29 be taken up for consideration. Carried.

C. B. No. 29 taken up and considered.

Mr. Ripley moved that the bill be indefinitely postponed.

Carried.

The Sergeant-at-arms announced a message from the Governor by his private Secretary, which was received and read, as follows:

EXECUTIVE DEPARTMENT, C. T.,
March 10, 1864.

To the Honorable J. B. Chaffee, Speaker of the House of Representatives:

SIR—I have the honor to inform the House that I have this day approved and signed the following Joint Resolutions and Bills, certified to have originated therein, viz:

Preamble and Resolution relative to State Government.

An act to amend an act, entitled, an act providing for the collection of Revenue.

An act relating to Marriages.

An act to incorporate the Denver and Pacific Wagon Road Company.

An act to confirm the appointment of W. S. Walker as Superintendent of Public Schools, and for other purposes.

Very respectfully, your obedient servant,

JOHN EVANS,
Governor of Colorado.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 10, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed

H. B. No. 40, an act to incorporate the Rocky Mountain Exploring, Prospecting and Mining Company," with the following amendments, viz:

Strike out Sections 3 and 4.

Add Section 8. Nothing in this act contained shall be held or construed to authorize said corporation to make, sign, issue, emit, or circulate any bank bills, or other evidence of indebtedness, to be used or circulated as money.

SEC. 9. Nothing in this act contained, shall be held or construed to vest in the corporation hereby created any rights or privileges not possessed by natural persons, citizens of this Territory.

Also, they have passed

C. B. No. 54, a bill for an act to amend an act, entitled, "An act concerning Wills, Executors, and Administrators."

C. B. No. 59, an act for the collection of demands for improvements on the Public Lands—herewith transmitted;

And the concurrence of your Honorable Body is respectfully requested therein. Very Respectfully,

C. B. HAYNES,
Secretary of the Council.

Mr. Marsh moved that C. B. No. 23 be taken up for consideration. Carried.

C. B. No. 23 read and considered.

Mr. Ripley moved that the bill be indefinitely postponed.

Lost.

Mr. Marsh moved that the bill be read a 3d time by its title, for final passage.

Carried.

C. B. No. 23, an act to authorize clerks of Courts of Records, Probate Judges, and Justices of the Peace, to issue subpœnas to witnesses to appear before the Register and Receiver of the Land Office,

Was read a 3d time by its title,

And the question being upon its final passage,

The ayes and noes were.

Ayes—Messrs. Garcia, Holland, Judd, Leeper, McCannon, Nye, Ortega, Sheldon, Stansell, Mr. Speaker—10.

Noes—Messrs. Chever, Henson, Koontz, Kelley, Lynch, Marsh, Ripley, White, Webster, Welton, Woods—11.

Ayes, 10; noes, 11.

So the bill was rejected.

Mr. McCannon moved that C. B. No. 50 be taken up, and read a 1st and 2d time.

Carried.

C. B. No. 50 read a 1st and 2d time by its title.

Mr. Stansell moved that the rules be suspended, and the bill read a 3d time for final passage.

Carried.

C. B. No. 50, an act to repeal an act, entitled an act to incorporate the Tarryall and Arkansas River Wagon Road Company,

Was read a 3d time,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods—20.

Noes—Mr. Speaker—1.

Ayes, 20; noes, 1.

So the bill passed, and title agreed to.

Mr. Stansell asked leave to withdraw H. B. No. 62, and

On motion, leave granted, and bill withdrawn.

Mr. Marsh, from the committee on Judiciary, submitted the following report, viz:

Mr. Speaker: Your Committee, to whom was referred

C. B. No. 33, having had thesame under consideration, beg leave to report that they would recommend the passage thereof, with the following amendments, viz:

Insert immediately preceding the words "sheriff's fees," the following:

"Clerk's fees in the Supreme Court—

For docketing each suit, fifty cents.

For each motion in a case, twenty-five cents.

For each order made, interlocutory motion, continuance or otherwise, twenty-five cents.

For indexing suit, fifty cents.

For each writ or summons, one dollar.

For entering appearance of attorneys, twenty-five cents each.

For filing each paper required to be filed, twenty cents.

For entering final judgment, seventy-five cents.

For recording all papers required to be recorded, fifteen cents per hundred words.

For making complete records, fifteen cents for each one hundred words.

For entering return on any writ or process, except executions, thirty cents.

For taking acknowledgment of deed, fifty cents.

For certificate making out and recording the first papers in cases of persons declaring their intention to become citizens of the United States, two dollars.

For naturalization final oath and record, five dollars.

For adminestering oaths, and adding jurat to affidavits, twenty-five cents.

Taking depositions, fifteen cents per folio.

For certificate to attorneys, to practice, five dollars.

For recording certificate for U. S. Commission, two dollars.

Administering oaths, ten cents.

For fee bill, one dollar.

For docketing fee bill, twenty-five cents.

Entering return of execution, twenty-five cents."

Insert the following immediately preceding the words, "Fees of County Attorney:"

"That so much of said act as relates to the County Clerk's fees, be amended as follows—

Administering each oath, ten cents.

Taking any acknowledgment, fifty cents.

For every instrument authorized to be recorded, first one hundred words, forty cents.

For each additional folio, fifeen cents.

Ccpies of records, per one hundred words, fifteen cents.

For making abstract of title, for each conveyance, fifty cents."

Respectfully submitted,

A. MARSH, Ch'n.

Mr. Eames from the Committee on Agriculture reported follows:

Mr. Speaker: Your committee on Agriculture to whom was referred,

C. B. No. 57, have had the same under consideration and report the same back to the House, and recommend its passage without amendment.

Also, have had under consideration.

C. S. to H. B. No. 29, and report the same back to the House, and recommend its passage without amendment.

J. H. EAMES, Ch'n.

Mr. Ripley moved that the House do concur in Council amendments to H. B. No. 40.

Carried.

Mr. Koontz, moved that C. S. to H. B. No. 29, be taken up.

Carried.

Mr. Koontz, moved that the rules be suspended, and the bill be read a third time for final passage.

Carried.

Mr. Judd moved that the bill be considered read.

Carried.

C. S. to H. B. No. 29, an act for the protection of "Farmers

against the depredations of Stock in Douglas and Weld County," being upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, 17.

Noes—Mr. White, Mr. Speaker, 2.

Ayes—17.

Noes—2.

So the bill passed and title agreed to.

Mr. Sheldon moved to take up C. B. No. 57, for consideration. Carried.

C. B. No. 57, read and considered.

Mr. Ripley moved the adoption of the following additional section, viz.

That all fines accruing under the provisions of this act, shall be paid into the County Treasury for the use of Common Schools.

Carried.

Mr. Garcia, moved that the bill be indefinitely postponed. Lost.

Mr. Sheldon moved that the rules be suspended, and the bill be read the third time, and put upon its final passage.

Carried.

Mr. Judd moved that the bill be read the third time by its title.

Carried.

C. B. No. 57, an act relating to contagious diseases, among animals, was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Holland, Henson, Judd, Koontz, Kelley, Lynch, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, —19.

Noes—Mr. Garcia—1.

Ayes—19.

Noes—1.

So the bill passed and title agreed to.

Mr. Marsh moved that,

C. B. No. 37, be taken up for consideration.

Carried.

C. B. No. 37, read and considered.

Mr. Marsh moved that the bill be considered read a third time, and put upon its final passage.

Carried.

C. B. No. 37, "an act relating to the sufficiency of official bonds," being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Henson, Kelley, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, White, Webster, Welton, Woods, 14.

Noes—Messrs. Holland, Koontz, McCannon, Stansell, Mr. Speaker—5.

Excused, Mr. Judd.

Ayes—14.

Noes—5.

So the bill passed and title agreed to.

Mr. Koontz, from the committee on engrossment reported, H. B. No's. 78 and 84, correctly engrossed.

Report received.

Mr. Holland moved that the House do now adjourn until 2 o'clock this Afternoon, or until the close of the Convention, to meet this Afternoon

Mr. White moved to amend by adjourning until half-past 3 o'clock, p. m.

Amendment accepted.

Motion as amended,

Carried.

The House adjourned.

AFTERNOON SESSION.

TheHouse met at $3\frac{1}{2}$ o'clock p. m., pursuant to adjournment.

The Speaker in the chair.

Roll called.

Absent—Messrs. Chever, Eames, Kipp, Marsh, Mallory, Patterson, Welton.

Quorum present.

Mr. White moved that the House do now adjourn until 9 o'clock, a. m., to-morrow.

Mr. Ripley moved to amend by making it 7 o'clock, this evening.

Motion lost.

Original motion carried.

And the House adjourned until 9 o'clock a. m,, to-morrow.

FRIDAY, March, 11th, 1864.

The House met at 10 o'clock a, m., pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Kipp, Mallory and Patterson.

Mr. Chever, from the committee on enrollment, reported

H. B.'s Nos. 49, 59, 75, H. J. R. No. 6, H. B.'s Nos. 22, 64, 47, 80, 83, 77 and 43; also, C. B.'s Nos. 13 and 28 correctly engrossed.

Report received.

Mr. Lynch, from the committee on federal relations, reported as follows:

Mr. Speaker: The committee on federal relations, to whom was referred H. J. M. No. 2, beg leave to report that they have had the same under consideration, and believe that could the objects therein set forth be secured to the people of this Territory by the Congress of the United States, the benefits accruing therefrom would be incalculable, and give a new impetus to the development and future growth of our country, and would, therefore, report the same back to the House with the recommendation that it pass.

J. G. LYNCH, Ch'n.

Report received.

Mr. Ripley, from the committee on education, reported as follows:

Mr. Speaker: Your committee to whom was referred

C. B. No. 56, an act to amend "an act to establish the common school system, have had the same under consideration, and would ask leave to report the same back to the House without recommendation.

All of which is hereby respectfully submitted.

D. RIPLEY, Ch'n.

Report received.

C. B. No. 54, an act to amend an act concerning wills, executors and administrators, was

Read a first and second time by its title.

C. B. No. 59, an act to provide for the collection of demands for improvements on the public lands, was

Read a first and second time by its title.

C. B. No. 48, an act to exempt soldiers from service by publication, was

Read a first and second time by its title.

The Sergeant-at-Arms, announced a communication from the Council, which was

Received and read as follows:

Council Chamber,
March 11, 1864.

Mr. Speaker: I am instructed to inform the House that the Council has passed

H. B. No. 41, an act entitled "an act to relocate the Capitol

of Colorado Territory," with the following amendments, to wit:

Strike out section 2, 3 and 4, and insert

SEC. 2. That at the election to be held in the month of September, A. D., 1864, the legal voters of this Territory shall declare by ballot whether the Seat of Government of Colorado Territory shall be located at Central City, in the County of Gilpin, at Golden City, in the County of Jefferson, at Denver City, in the County of Arapahoe, which ballot may be in the following form:

"For Central City," to be used by those voting for Central City. "For Golden City," to be used by those voting for Golden City." "For Denver City," to be used by those voting Denver City.

SEC. 3. The returns of such election shall be canvassed in the several counties and returned to the Secretary of the Territory, and be canvassed by the Auditor, Treasurer and Secretary of the Territory in like manner as in cases of the election of Territorial officers.

After such returns shall have been canvassed, as aforesaid, the Governor shall issue his proclamation, declaring the result of such election, and if the highest number of legal votes shall be cast in favor of Central City, the said Central City, in the County of Gilpin, shall, thereupon be, and become the Seat of Government of said Territory, and if the highest number of votes shall be cast for Golden City, the said Golden City shall be and become the Seat of Government of said Territory; and if the highest number of votes shall be cast in favor of said Denver City, the Seat of Government of said Territory shall remain at Denver City, in the County of Arapahoe.

Also,

Strike out sections 2, 3 and 4 of the bill.

Also,

H. B. No. 25, "an act to regulate irrigation," with the following amendments, viz:

Strike out the words in the third line of section one, after the word "improving," as follows:

"And who have filed on, under the pre-emption act of 1841, or entered upon, under the Homestead act of 1862.

Insert after the word "person," in the 6th line of section fifteen, the word "wrongfully."

Insert after the word "ditch,' in 6th line of section fifteen the words "or wrongfully obstruct the flow of the water in such ditch.

Strike out the word "and," in the 7th line of said section, and insert "or" instead thereof.

Add to section 22 as follows;

SEC. 22. All the provisions of this act, excepting section one, thereof, shall be held to apply to persons settling after the passage of this act as well as to those settling previous thereto.

Add section 23. That the provisions of this act shall not be construed to extend, or to affect Jefferson, Costilla, Conejos, Boulder, Weld or Larimer counties.

Also,

That the Council has concurred in and passed without amendment.

H. B. No. 58, an act to incorporate the Black Hawk Mining Company.

Also,

H. B. No. 61, an act to legalize the acts of the Superintendent and Board of Directors of School District No. 5, in the County of Arapahoe, in certain cases.

Also,

H. B. No. 71, an act to amend "an act to define County boundaries, and to locate County Seats in Colorado Territory

Also,

That the Council has passed

H. B. No. 21, an act relating to lawful fences and the tresspassing of animals. with the following amendments, viz.

Insert after the word "Clear Creek," in 5th line of section 12, the word "Jefferson County."

All of said bill is herewith transmitted, and the concurrence of your Honorable Body therein is respectfully asked.

Also,

That the Council have concurred in House amendments to C. B.'s Nos. 36, 49, 27 and 44; and also, they concur in House amendments to C. B. No. 35, with the following amendment to said amendments, to wit:

Add to the amendment to section four, as follows:

"In cases when the amount due exceeds twenty-five dollars," and the concurrence of your Honorable Body therein is respectfully requested.

Also,

The Council recedes from the amendments to H. J. R. No. 7 and H. B. No. 38, herewith transmitted.

Very respectfully,

C. B. HAYNES,

Sec'y of the Council.

Mr. Judd moved that

H. B. No. 82 be taken up for consideration. Carried.

H. B. No. 82 was read and considered.

Mr. Lynch moved to strike out the word "three," before "dollars," and insert the word "two."

Carried.

Mr. Sheldon moved to insert in the blank "Fremont, El Paso, Pueblo, Park, Lake, Summit, Douglas, Conejos, Costilla and Huerfano counties.

Carried.

Mr. Ripley moved that Weld and Larimer counties be also inserted in the blank.

Carried.

Mr. Judd moved that the bill be considered engrossed, and read a third time for final passage.

Carried.

H. B. No. 82, an act amendatory of "an act to establish the common school system, was

Read a third time, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Nye, Ripley, Stansell, Webster, Welton and Woods—15.

Noes—Messrs. Leeper, McCannon, Ortega, Sheldon, White, and Mr. Speaker—6.

Ayes—15.

Noes—6.

So the bill passed and title agreed to.

Mr. Judd moved to take up C. B. No. 35 for consideration.

Carried.

C. B. No. 35 was taken up and considered with amendments.

Mr. Judd moved that the House do concur in the Council amendments to the bill.

Carried.

Mr. Judd moved to take up H. B. No. 56 for consideration.

Mr. Koontz moved to amend by taking the bills in the order in which they stand on the calender.

Carried.

The Sergeant-at-arms announced a message from the Governor by his private Secretary, which was received and read as follows, viz:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
DENVER, March, 11th, 1864.

To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:

SIR: I have the honor to lay before the House the amended report of the Adjutant General of the Territory,

Very respectfully,
Your obedient servant,
JOHN EVANS,
Governor of Colorado.

Mr. Judd moved that the report of the Adjutant-General be referred to a special committee.

Carried.

The Speaker appointed Messrs. Judd, Holland and Sheldon such committee.

Mr. Holland moved to take up C. B. No. 53 for consideration.

Carried.

C. B. No. 53 was read and considered.

Mr. Holland moved to lay the bill on the table.

Carried.

H. B. No. 84, an act regulating the recording of lode claims, was read a third time.

Mr. McCannon moved to lay the bill on the table.

Lost.

Mr. Holland moved to strike out section two,

The ayes and noes being called for and ordered, were:

Ayes—Messrs. Garcia, Holland, Kelley, McCannon, Nye, Ripley and Woods—7.

Noes—Messrs. Henson, Koontz, Lynch, Leeper, Marsh, Ortega, Stansell, White, Webster, Welton and Mr. Speaker—11.

Ayes—7.

Noes—11.

So the motion was lost.

Mr. Holland moved the adoption of the following additional section:

That nothing in this act shall be so construed as to prohibit miners in distant and unorganized parts of the Territory from instituting laws and regulations respecting the pre-emption of mining and and other claims.

Motion lost.

The question then being upon the final passage of the bill,

The ayes and noes were:

Ayes—Messrs. Eames, Henson, Judd, Lynch, Leeper, Sheldon, White, Webster and Mr. Speaker—9

Noes—Messrs. Garcia, Holland, Koontz, Kelley, Marsh, McCannon, Nye, Ortega, Ripley, Stansell, Welton and Woods—12.

Ayes—9.

Noes—12.

So the bill was rejected.

H. B. No. 78, an act to prevent unlicensed persons from practicing medicine, was

Read the third time, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Eames, Holland, Henson, Judd, Koontz, Leeper, Marsh, Sheldon, White and Webster—10.

Noes—Messrs. Garcia, Kelley, Ripley, Stansell, Welton, Woods and Mr. Speaker—11.

Ayes—10.

Noes—11.

So the bill was rejected.

Mr. White, from the committee on ways and means, reported as follows:

Mr. Speaker: Your committee to whom was referred H. B. No. 81, have had the same under consideration, and beg leave to report the same back and recommend its passage.

M. C. WHITE, Ch'n.

Report received.

Mr. Marsh moved to take up C. B. No. 33 for consideration.

Carried.

C. B. No. 33 was read and considered with Council amendments thereto.

Mr. Judd moved that H. R. No. 13 be suspended for to-day.

Motion lost.

Mr. Marsh moved to amend the bill as follows:

Insert "fees of the clerk of the Supreme Court" immediately before the word "Sheriff," in the 16th line from the bottom of section one.

Carried.

Mr. Marsh moved that the amendments proposed by the committee on judiciary, be adopted.

Carried.

Mr. Marsh moved that the bill be read a third time by its title for final passage.

Carried.

C. B. No. 33, an act in relation to counties and county officers, was

Read a third time by its title, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Eames, Garcia, Henson, Judd, Kelley, Leeper, Marsh, Nye, Ripley, Sheldon, Stansell, White and Woods—13.

Noes—Messrs. Holland, Koontz, McCannon, Ortega, Webster and Mr. Speaker—6.

Ayes—13.

Noes—6.

So the bill passed and title agreed to.

Mr. White moved that H, B. No. 81 be read for consideration.

Carried.

H. B. No. 81 was read and considered.

Mr. White moved that the bill be made the special order for 2 o'clock p. m.

Carried.

Mr. White moved that C. J. R. No. 3 be taken up for consideration.

Carried.

C. J. R. No. 3 was read and considered.

Mr. White moved that the bill be read a third time for final passage.

Carried.

C. J. R. No. 3, in relation to compensation to Samuel Howe, Sheriff of Arapahoe county, was

Read a third time, and the question being upon its final passage,

The ayes and noes were.

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, McCannon, Nye, Ortega, Sheldon, Ripley, Stansell, White, Webster, Welton and Mr. Speaker—18.

Noes—Messrs. Leeper and Marsh—2.

So the bill passed and title agreed to.

Mr. White moved to take up H. B. No. 81 for consideration.

Carried.

Mr. White moved to amend by inserting for "the payment of Samuel Howe four hundred and fifty-eight dollars and forty cents."

Carried.

Mr. White moved that the bill be read a third time for final passage.

Carried.

H. B No. 81, an act making appropriations for the fiscal year ending Dec. 31, 1864, was

Read a third time, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Chever, Garcia, Holland, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Nye, Ortega, Ripley, Stansell, White. Welton and Mr. Speaker- 16.

Noes—Messrs. McCannon, Sheldon, and Webster—3.

Ayes—16.

Noes—3.

So the bill passed and title agreed to.

Mr. Koontz moved that the House do now go into committee of the whole on the general file.

Carried.

The House then went into committee of the whole.

After some time spent therein, the committee arose,

The Speaker in the chair.

Mr. Marsh, from the committee of the whole, reported as follows:

Mr. Speaker: The chairman of the committee of the whole having had H. B.'s Nos. 63 and 66 under consideration, report H. B. No. 63 back to the House without recommendation, and H. B. No. 66 back with a recommendation that it pass.

Also, all bills on general file, without recommendation.

Respectfully submitted,
A. MARSH, Ch'n.

Mr. Welton moved to take up C. B. No. 31 for consideration.

Motion carried.

C. B. No. 31 was read and considered.

Mr. Kelley moved that the bill be read a third time by its title for final passage.

Carried.

C. B. No. 31, an act to operate a ferry on the Arkansas river, was

Read a third time by its title, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Garcia, Judd, Kelley, Lynch, Leeper, Marsh, Ortega, Ripley, Sheldon, Stansell, Webster, Welton and Mr. Speaker—13.

Noes—Messrs. Eames, Koontz, Nye and White—4.

Ayes—13.

Noes—4.

So the bill passed and title agreed to.

Mr. Sheldon moved that the House do not concur in Council amendments to H. B. No. 25.

Carried.

Mr. Judd moved that the House do not concur in Council amendment to H. B. No. 41.

Mr. Marsh moved that the further consideration of the motion be deferred until 2 o'clock p. m.

Carried.

On motion of Mr. Marsh,

The House adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The House met, pursuant to adjournment, at 2 o'clock p. m.

The Speaker in the chair.

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson.

Quorum present.

H. B. No. 41 being the special order for the House,

Was taken up.

The question pending being upon the motion that the House do disagree to the Council amendments to the bill.

Mr. Webster moved to amend Council amendments as follows:

After the word "Arapahoe," in 9th line of section 2, insert "or Canon City, in the County of Fremont;" also, add at the end of the same section "for Canon City to be used by those voting for Canon City."

Carried.

Mr. Webster moved to amend section 3 by inserting in the proper place the following:

"And if the highest number of legal votes shall be cast for Canon City, the said Canon City, in the County of Fremont, shall, thereupon, be and become the Seat of Government of said Territory.

Carried.

Mr. Marsh moved that the words "City of Black Hawk" be inserted after the word "Central City," when it occurs in the bill.

Carried.

Mr. Kelley moved to lay the bill on the table, and

The ayes and noes being called for and ordered, were:

Ayes—Messrs. Garcia, Holland, Henson, Judd, Kelley, Lynch, Ripley, Sheldon, Webster and Welton—10.

Noes—Messrs. Chever, Eames, Koontz, Leeper, Marsh, McCannon, Nye, Ortega, Stansell, White, Woods and Mr. Speaker—12.

Ayes—10.

Noes—12.

So the motion was lost.

Mr. Lynch moved that the bill, with amendments, be referred to a special committee.

Lost.

The question then recurring upon the motion not to concur in Council amendments.

Carried.

The Sergeant-at-arms announced a message from the Governor by his private Secretary, which was received and read, as follows:

EXECUTIVE DEPARTMENT, C. T.,
DENVER, March 11, 1864.

To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:

SIR: I have the honor to inform the House that I have this day approved and signed the following resolutions and bills, certified to have originated therein:

Joint resolution for compensation to Fred J. Stanton, for services on publication of the statutes of the Legislative Assembly.

An act to amend an act entitled "an act to regulate and establish Territorial Roads."

An act to amend an act entitled "an act regulating elections."

An act concerning weights and measures.

An act to legalize the records of Fremont County.

An act to amend an act entitled "an act to incorporate the Consolidated Ditch Company."

An act to amend an act entitled "an act to provide for the increase and time of the meeting of the Legislature, approved Nov. 8th, 1861.

An act to authorize and enable Robert W. Steel to sell and convey certain mining claims.

An act to prevent speculation in Territorial and County scrip.

Very respectfully, your obedient servant,

JOHN EVANS,

Governor of Colorado.

Mr. Webster moved that the House do concur in Council amendments to H. B. No. 21.

Lost.

Mr. Ripley moved to reconsider the vote on the motion not to concur in Council amendments to H. B. No. 41, and

The ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Koontz, Leeper, Marsh, Nye, Ortega, Ripley, Stansell, White, Webster, Woods and Mr. Speaker—14.

Noes—Messrs. Holland, Henson, Judd, Kelley, McCannon, Sheldon and Mr. Welton—7.

Ayes—14.

Noes—7.

So the motion prevailed.

Mr. Koontz moved to strike out section 2, of Council amendments as amended, and insert "the people of this Territory shall, at the next general election, designate some town or place, by their ballots, for the Capitol of this Territory, and the town or place receiving the highest number of votes, shall be declared to be the Capitol."

Mr. Sheldon moved to amend the amendment as follows:

Strike out the words "highest number of votes" and insert a majority of all the votes. Lost.

The question being upon the amendment, was lost.

The question then being upon the motion not to concur in Council amendments, and

The ayes and noes being ordered and called, were:

Ayes—Messrs. Garcia, Holland, Henson, Judd, Kelley, Lynch, Leeper, Nye, Ortega, Ripley, Sheldon, Stansell and Mr. Welton—13.

Noes—Messrs. Chever, Eames, Koontz, Marsh, McCannon, White, Webster, Woods and Mr. Speaker—9.

Ayes—13.

Noes—9.

So the motion prevailed.

Mr. Holland moved that the House do not concur in Council amendments to H. B. No. 25.

Carried.

The Sergeant-at-arms announced a communication from the Council, which was received and read as follows:

Council Chamber,
March 11, 1864.

Mr. Speaker: I am instructed to inform the House that the Council has concurred in House amendments to C. B.'s Nos. 33 any 57, also, that the Council insists on their amendments to H. B. No. 25.

Very respectfully,
C. B. HAYNES,
Secretary of the Council.

Mr. Ripley moved to take up H. B. No. 59 for consideration.

Carried.

Mr. Ripley moved to amend as follows:

Add thereto; "*Provided*, also, that the use and occupation of such improvements as cannot be removed from the premises, shall be deducted from the amount to be removed as the value of said improvements. Carried.

Mr. Leeper moved to lay the bill on the table.

Carried.

Mr. Judd, from the special committee, reported as follows:

Mr. Speaker: The select committee to whom was referred the report of the Adjutant General of Colorado Territory, ask leave to report the same back to the House and recommend that it be spread upon the journal of the House.

Report received, and on motion of Mr. Judd,

Adopted, and the report ordered spread upon the journal.

Office of the Adjutant General of C. T.,
March 10th, 1864.

To His Excellency, John Evans, Governor of Colorado Territory:

Sir: I have the honor to transmit through you, to the Legislative Assembly of Colorado Territory, a report from this Department.

To the Honorable, the Legislative Asssembly of Colorado Territory:

Gentlemen: I have the honor to submit the following report of the state of the militia of Colorado Territory, organized under the provisions of "an act to organize the militia of Colorado Territory," approved August 14th, 1862:

Commander-in-Chief—Gov. John Evans.

Staff Officers—Adjutant and Inspector General—D. H. Moffat, Jr.

Judfie Advocate—General Alvin Marsh.

Paymaster—General Amos Widner.

Quartermaster-General—John A. Nye.

Engineer-in-Chief—Hal. Sayr.

Aides-de-Camp—Major Jacob Stansell, Charles W. Mather, Robert Berry, W. D. Esterday and Wm. Dailey.

There are now eight organized companies, organized under the militia law as follows, to wit:

The "Governor's Guards," organized September 13th, 1863, and officered as follows:

1st Lieutenant, Wm. Kiskadden.

2nd Lieutenant, Daniel Moyn.

3rd Lieutenant, John L. Dailey.

The "Central City Light Guards," organized August 1st, 1863, and officered as follows, to wit:

Captain, W. C. M. Jones.

1st Lieutenant, Gov. E. Wilson.

2nd " Hal. Sayr.

Ensign, T. J. Bower.

The "Boulder County Mounted Rifles," organized October 24th, 1862, and officered as follows:

Captain T. A. Aikin.

1st Lieutenant, Thos. J. Jones.

2nd " G. W. Chambers.

3rd " W. M. Barney.

Ensign, L. C. Wellman,

The "Buckskin Grays," organized in March, 1863, and officered as follows:

Captain, J. B. Stansell.

1st Lieutenant, J. W. Buckman.

2nd " W. H. K. Smith.

3rd " B. M. Mallory.

The "Empire Guards," organized May 23d, 1863, and officered as follows, to wit:

Captain, Geo. H. Packard.

1st Lieutenant, Justus Cook.

2nd " J. W. Drips.

3rd " C. L. Bristol.

Ensign, W. Meriman.

The "Evans Guards," organized June 20th, 1863, and officered as follows, to wit:

Captain, Andrew Jackson Pennock.
1st Lieutenant, Alfred Cushman.
2nd " Lewis W. Dickson.
3rd " Robert Woodward.

The "Elbert Guards," organized Nov. 11th, 1862, and officered as follows, to wit:

Captain. Frank Hall.
1st Lieutenant, L. D. Judd.
2nd " H. M. Orahood.
Ensign, J. M. Combs.

The "Montgomery Home Guards," organized in February, 1863, and officered as follows, to wit:

Captain Hatch, (resigned.)
1st Lieutenant, E. H. Baker.
2nd " T. J. Cooper.
3rd " N. F. Spicer.

The above companies have been furnished with Garibaldi and Mississippi rifles and accoutrements, sufficient to fully equip them for active service.

The arms and accoutrements have been furnished by the War Department and distributed by this Department on the order of His Excellency, John Evans, Commander-in Chief of the militia, upon bonds filed for their safe keeping and proper use,

All of which is most respectlly submitted.

D. H. MOFFATT, Jr.,
Adjutant General.

Mr. Holland moved that the select Committee to whom was referred the abstract of votes cast at the last general election be requested to report them and the abstract spread upon the Journal.

Carried.

Mr. Holland offered the following resolution.

Resolved, That the consent of this House be given to the Chairman of the Standing Committees for the employment of a Clerk and Messenger Lost.

Mr. Nye moved that H. B. No. 63, be taken up for consideration.

Carried.

H. B. No. 63 read and considered.

Mr. McCannon moved to strike out the name of "Webster Christian."

Carried.

Mr. Nye moved that the bill be read a third time for final passage.

Carried.

Mr. Judd moved that it be read by its title.

Carried.

H. B. No. 63, "an act to amend an act to incorporate the Cash Creek Fluming Company," was read a third time by its title.

Mr. Nye moved to amend by inserting an enacting clause to the bill.

Carried.

The question then being upon its final passage the ayes and noes were,

Ayes—Messrs. Eames, Holland, Henson, Nye, Ortega, Ripley, Sheldon, Webster, Stansell, Welton, and Woods—16.

Noes—Messrs. Koontz, Leeper, White, and Mr. Speaker—4.

Ayes—16.

Noes—4.

So the bill passed and the title agreed to.

The Sergeant-at-Arms announced a communication from the Council which was received and read as follows:

COUNCIL CHAMBER, March 11, 1864.

Mr. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed H. B. No. 68.

"An act to provide for the payment of Clerks and other officers of the Legislative Assembly," with the following amendments to-wit:

Insert in section 2, in blank left, for enrolling and engrossing clerks the word "six" in blank left for chief Secretary the word "four" in blank left for assistant Secretary the word "two" and in blank left for Sergeant-at-Arms the word "three" and the concurrence of your Honorable body in said amendments is respectfully requested.

Also, without amendment H. B. No. 65,

"An act to incorporate the Central City and Montgomery Wagon Road Company."

H. B. No. 28, an act for the collection of taxes from non-resident stock owners.

And also, H. B. No. 73, "An act to incorporate the Excelsior Ditch Company, herewith transmitted:

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Marsh moved to take up,

H. B. No. 45, for consideration.

Carried.

H. B. No. 45, read and considered.

Mr. Marsh moved that the bill be read a third time by its title for final passage.

Carried.

H. B. No. 45, an act to incorporate the Ralston Creek and Black Hawk Wagon Road Company, was read a third time by its title and the question being upon the final passage of the bill the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Henson, Judd, Kelley, Lynch, Marsh, Nye, Ortega, Welton and Mr. Speaker—11.

Noes—Messrs. Chever, Holland, Ripley, Koontz, Leeper, White, Webster, and Woods—8.

Ayes—11.

Noes—8.

So the bill passed and the title agreed to.

Mr. Welton moved to take up H. B. No. 52, with Council amendments,

H. B. No. 52, taken up and considered.

Mr. Welton moved that the House do now concur in Council amendments.

Carried.

Mr. White from special Committee reported as follows:

Mr. Speaker: Your Committee to whom was referred abstract of votes cast at Territorial election in September, 1863, have had the same under consideration and beg leave to report the same back according to resolutions of the House, they having changed the vote of Summit County in accordance with the Official vote of said County.

M. C. WHITE, Ch'n.

Report received.

Mr. Koontz moved that,

H. J. M. No. 2 be taken up for consideration.

Carried,

H. J. M. No. 2 read and considered.

Mr. White moved that it be laid on the table.

Carried.

Mr. Ripley moved to take up H. B. No. 59.

Lost.

Mr. Marsh moved to take up C. B. No. 56 for consideration.

Carried.

Mr. White moved to lay the bill on the table.

Carried,

Mr. Marsh moved to take up H. B. No. 66 for consideration.

Carried.

H. B. No. 66 read and considered.

Mr. White moved that the bill be read a third time by its title for final passage.

Carried.

H. B. No. 66, "an act to define the right of Ranch owners in mining districts" was read a third time by its title and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Lynch, Leeper, Marsh, Ripley, Sheldon, Stansell, White, Webster, 12.

Noes—Messrs. Henson, Koontz, Kelley, Nye, Ortega, Welton, Woods, Mr. Speaker, 8.

Ayes—12.

Noes—8.

So the bill passed and title agreed to.

Mr. Koontz moved to take up C. B. No. 48, for consideration.

Carried.

C. B. No. 48, read and considered.

Mr. White moved that the bill be read a third time by its title.

Carried.

C. B. No. 48, "an act to exempt Soldiers in the United States service, from service by publication" was read a third time by its title, the question being upon the final passage of the bill, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton, Woods, Mr. Speaker, 18.

Noes—0.

So the bill passed and title agreed to.

Mr. Koontz moved to take up C. B. No. 46, for final passage.

Carried.

C. B. No. 46, read and considered.

Mr. Ripley moved to strike out the word "commissioned" in section 3.

Carried.

Mr. Ripley moved to strike out the word "Execution" in section 8, and insert "executed."

Carried.

Mr. Ripley moved to amend by adding the following section.

Section "That all fines incurred under the provisions of this act shall be paid into the County Treasury for the benefit of Common Schools.

Carried.

Mr. Marsh moved that the bill be read a third time by its title for final passage.

Carried.

C. B. No. 46, "an act relating to Counties and County officers was read a third time by its title and the question being upon its final passage, the ayes and noes were,

Ayes—Chever, Eames, Garcia, Holland, Henson, Judd, Kelley, Leeper, Marsh, Nye, Ortega, Ripley, White, Webster, Welton, Woods, Mr. Speaker, 17.

Noes—Koontz, Lynch. Sheldon—3,

Ayes—17.

Noes—3.

So the bill passed and title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 11, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed,

C. B. No. 40, "an act to incorporate the Denver Ditch and water Company."

C. B. No. 51, "an act to amend an act concerning Criminal Jurisprudence. Approved, Nov. 5, 1861."

And also, C. B. No. 60, "an act to define the extent of Mineral and Quartz Lodes" herewith transmitted.

And the concurrence of your Honorables is respectfully requested therein also.

They have concurred in, and passed without amendment,

H. B. No. 56, an act to amend an act entitled an act to establish the mode of locating and changing County Seats, approved Nov. 7, 1861.

Also, H. B. No. 32, an act to incorporate the City of Black Hawke, with the following amendments by striking out in Section 1, in the thirteenth line after the word "within" the words "a circumfurence of three miles from the mouth of Gregory Gulch" and insert in lieu thereof, the words "the present corporate limits of the City of Black Hawk, to which amendment you are respectfully requested to concur,

Very respectfully,
C. B. HAYNES,
Sec'y of Council.

Mr. Koontz moved that C. B. No. 40, be taken up and read first and second time.

Carried.

C. B. No. 40, was then read a first and second time by its title.

Mr. White moved that House Rule, No. 17, be suspended.

Carried.

Mr. Koontz moved that C. B. No. 40, be read for consideration. Carried.

C. B. No. 40, read and considered.

Mr. Ripley moved to amend by inserting the words "per anumn" after the word "acre" in sixth line of Section 9.

Carried.

Mr. Nye moved to strike out section 19.

Carried.

Mr. Nye moved that the bill be read a third time by its title for final passage.

Carried.

C. B. No. 40, "an act to incorporate the Denver Ditch and water Company" was read a third time by its title and the question being upon its final passage, the ayes and noes were,

Ayes—Messrs. Eames, Garcia, Holland, Henson, Judd, Koontz, Lynch, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, White, Welton, Woods, 15.

Noes—Messrs. Kelley, McCannon, Webster, Mr. Speaker, 4.

Ayes—15.

Noes—4.

So the bill passed, and title agreed to.

Mr. Nye moved that the House do concur in Council amendment to H. B. No. 32.

Carried.

Mr. Judd moved that the House do concur in Council amendment to H. B. No. 76.

Carried.

The Sergeant-at-Arms, announced a communication from the Council, which was

Received and read as follows:

COUNCIL CHAMBER,
March 11, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed;

H. B. No. 81, an act making appropriations for the fiscal year commencing January 1st. 1864, and ending Dec. 31st, 1864, with the following amendments viz: Amend section 7 so as to read that the warrants already drawn shall be paid out of the money now appropriated, in all cases in which such appropriations shall be sufficient for that purpose. And any money hereafter appropriated to the respective fund and not drawn, shall be added to foregoing appropriations respectively."

To which amendment your Honorable body is respectfully requested to concur.

Also, the Council recedes from its amendment to H. B. No. 52.

Very respectfully,
C. B. HAYNES,
Sec'y of the Council.

Mr. Judd moved to concur in Council amendment to H, B. No. 81. Carried.

Also, moved to take up C. B. No. 54 for consideration. Carried.

C. B. No. 54 read and considered.

Mr. Nye moved that the bill be read a third time by its title for final passage. Carried.

C. B. No. 54, an act to amend an act concerning, Wills, Executors and Administrators, approved Nov. 8th 1861. Was read a third time by its title, and the question being upon its final passage the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Henson, Judd, Lynch, Leeper, Marsh, McCannon, Nye, Ripley, Sheldon, Stansell, Webster, Welton, Woods, 15.

Noes–Messrs. Eames, Holland, Koontz, Kelley, Ortega, Mr. Speaker, 6.

Ayes—15.

Noes—6.

So the bill passed and title agreed to.

Mr. Marsh, moved that C, S, to H. B, No. 6, be read a third time by its title for final passage.

Carried.

C. S. to H, B. No. 6, "an act creating a lien in favor of Mechanics, in certain cases," was read a third time by its title and the question being put upon its final passage, the ayes and noes were,

Ayes—Messrs. Chever, Garcia, Holland, Henson, Judd, Kelley, Leeper, Marsh, Nye, Ortega, Ripley, Sheldon, Stansell, Welton, 14.

Noes—Messrs, Eames, Koontz, Lynch, McCannon, Webster, Woods, Mr. Speaker, 7.

Ayes—14.

Noes—7.

So the bill passed and title agreed to.

The Sergeant-at-Arms announced a communication from the Council which was received and read as follows:

COUNCIL CHAMBER, March 11, 1864.

Mr. SPEAKER: I am instructed to inform the House that the Council has concurred in and passed,

H. B. No. 76, an act to incorporate the Central City and Idahoe Wagon Road Company, with the following amendments (see amendments in bill,) and your Honorable body is respectfully requested to concur therein.

Also, that the Council inserts on their amendment to H. B.

No. 41, and recede from their amendments to H. B. No. 21, herewith transmitted.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

of Mr. Marsh, the House adjourned until 7 o'clock this evening.

EVENING SESSION.

House met pursuant to adjournment, at 7 o'clock p. m.

The Speaker in the chai

Roll called.

Absent—Messrs. Kipp, Mallory, Patterson.

Quorum present.

H. B. No. 41, was taken up.

Mr. Marsh moved that the bill be indefinitely postponed.

The ayes and noes being called for and ordered were,

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, Mr. Speaker, 19.

Noes—Messrs. Nye, White, 2.

Ayes—19.

Noes—2.

So the motion prevailed.

Sheldon, moved to reconsider the motion to indefinitely postpone, H. B. No. 41.

Mr. Marsh moved to lay the bill on the table.

Carried.

Mr. Chever, from the Committee on enrollment reported, C. J. R. No. 3, C. B. No's. 27, 31, 44, 45, 48, 50, 57, C. S. to H. B. 29, H. B. No's. 18, 21, 26, 27, 40, 48, 54, 61, 67, 58, 68 and 73, correctly enrolled.

Report received.

C. B. No. 60 was taken up, and on motion was read a first and second time by its title.

Bill received for consideration.

Mr. McCannon moved to amend by striking out the words "five hundred" and insert "one thousand."

Mr. Sheldon moved to amend the amendment by striking out the words "one thousand and inserting "eight hundred."

Amendment accepted.

Motion as amended,

Carried.

Mr. Koontz moved that the bill be considered read a third time and put upon its final passage.

Carried.

C. B. No. 60, "an act to define the extent of Mineral and Quartz Lodes" being upon its final passage, the ayes and noes were.

Ayes—Messrs. Garcia, Holland, Henson, Judd, Koontz, Lynch, Leeper, McCannon, Ortega, Ripley, Sheldon, Stansell, Webster, Welton, Woods, 15.

Noes–Messrs. Eames, Kelley, Marsh, Nye, White, Speaker, 6.

Ayes—15.

Noes—6.

So the bill passed and title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read as follows:

COUNCIL CHAMBER,
March 11, 1864.

MR. SPEAKER: I am instructed to inform the House that the Council has passed,

C. B. No. 58, an act for an appropriation in favor of Citizens of Lake County Col. Ter., and the concurrence of your Honorable body is respectfully requested therein, herewith transmitted.

Very respectfully,
C. B. HAYNES,
Secretary of the Council.

Mr. McCannon moved that,

H. B. No. 58 be read a first and second time.

Carried.

C. B. No. 58, read a first and second time by its title.

Mr. McCannon moved that the bill be read for consideration.

Carried.

C. B. No. 58, read and considered.

Mr. Marsh moved that the bill be referred to a special committee and that they be required to report on the 4th of July next. Carried.

The Speaker appointed Messrs. Marsh, McCannon, and White such committee.

C. B. No. 51, was then taken up and read a first and second time by its title.

Mr. Marsh moved that the bill be read for consideration.

Carried.

C. B. No. 51, read and considered.

Mr. Marsh moved to amend Section 122, by striking out the words. "in writing" in first and second line of said section.

Carried.

Mr. Holland moved that the further reading of the bill be dispensed with.

Carried.

Mr. Marsh, moved that the bill be read a third time for final passage.

Carried.

C. B. No. 51, an act to amend an act concerning Criminal Jurisprudence,

Was read a 3d time by its title,

And the question being upon its final passage,

The ayes and noes were,

Ayes—Messrs. Chever, Koontz, Lynch, Leeper, Marsh, Nye, Stansell, White, Webster, Welton, Woods, Mr. Speaker—12.

Noes—Messrs. Eames, Garcia, Holland, Henson, Kelley, Mc Cannon, Ortega, Ripley, Sheldon—9.

Ayes, 12; noes, 9,

So the bill passed, and title agreed to.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 11, 1864.

MR. SPEAKER: I am instructed to inform your Honorable Body thaa the Council do not concur in House Amendment to C. B. No. 40, an act to incorporate the Denver Ditch and Water Company—herewith returned.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Nye moved that the House do insist on its amendments to C. B. No. 40.

Carried.

The Sergeant-at-arms announced a communication from the Council, which was received and read, as follows:

COUNCIL CHAMBER, March 11, 1864.

MR. SPEAKER: I am instructed to inform your Honorable Body, that the Council do not cuncur in House Amendment to C. B. No. 51.

Also, that they insist in their disagreement to House amendment to C. B. No. 40.

Also, that they have passed the enclosed Joint Resolution in relation to adjournment—herewith transmitted.

Very respectfully,

C. B. HAYNES,

Secretary of the Council.

Mr. Holland moved that the House do now consider the Resolution by the Council in relation to adjournment.

Mr. Ripley moved to defer further aotion upon the Resolution until 11 o'clock this evening.

Carried.

Mr. Stansell moved that the Special Committee to whom was referred C. B. No. 58, be requested to report instanter.

Mr. Marsh moved to amend, by giving the committee until the 4th of July next in which to report.

Carried.

Motion as amended—Carried.

Mr. Stansell moved that the House do take a recess for half an hour, subject to the call of the Speaker.

Carried.

The Speaker called the House to order.

Mr. Koontz moved that C. B. No. 51 be laid on the table.

Carried.

Mr. Ripley moved that the House do recede from its amendments to C. B. No. 40.

Motion lost.

Mr. Ripley moved that the further consideration of the bill be indefinitely postponed. Carried.

The Sergeant-at-arms announced a message from the Governor, by the hands of his private Secretary, which was received and sead, as follows:

EXECUTIVE DEPARTMENT, DENVER, C. T.,
DENVER, March 11, 1864.

To the Honorable J. B. Chaffee, Speaker of the House of Representatives:

IIR: I have the honor to inform the House, that I have this day approved and signed the following bills, certified to have originated therein, viz:

An act concerning Roads and Highways.

An act for the protection of farmers against the depredations of Stock in the counties of Weld and Douglas.

An act for the incorporation of the Gold Mining Company of Philadelphia.

An act to incorporate the Rocky Mountain Exploring, Prospecting, and Mining Company.

An act to incorporate the Occidental Gas-light Company of Denver.

An act to legalize the acts of the Superintendent and Board of Directors of School District No. 5, in Arapahoe County, in certain cases.

An act to amend an act to incorporate the Apex and Gregory Wagon Road Company.

An act to incorporate the City of Black Hawk.

An act to incorporate the Black Hawk Mining Company.

An act to amend an act, entitled an act to enable Road, Ditch, Manufacturing, and other Companies, to become bodies corporate.

An act amendatory to an act entitled "an act relating to fencing," approved August 18th, 1863.

Joint resolution for the payment of Fred. J. Ebert for constructing maps of Colorado Territory.

An act making appropriations for the fiscal year commencing January 1st, 1863, and ending December 31st, 1864.

An act to amend an act entitled "an act to define County boundaries and to locate County Seats in Colorado Territory."

An act to provide for the payment of the clerks and other officers of the Legislative Assembly.

An act to incorporate the Excelsior Ditch Company.

An act to amend an act entitled "an act to organize the Treasury Department," approved Nov, 6th, 1861.

An act to amend an act entitled "an act to establish the mode of locating and changing County Seats," approved November 7th, 1861.

An act to incorporate the City of Central.

An act concerning fences.

Very respectfully,

Your obedient servant,

JOHN EVANS,

Governor of Colorado.

Mr. Ripley moved that the Council do take a recess for half an hour, subject to the call of the Speaker. Carried.

The Speaker called the House to order.

Mr. Nye, without previous notice, asked leave to introduce H. B. No. 85, an act amendatory to "an act to incorporate the Denver and Pacific Wagon, Telegraph and Railroad Company."

Leave granted, and bill

Read a first and second time by its title.

Mr. Nye moved that the bill be read a third time and put upon its final passage. Carried.

H. B. No. 85 read then a third time, and the question being upon its final passage, the ayes and noes were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, White, Webster, Woods and Mr. Speaker—20.

Noes—Messrs. Stansell and Welton—2.

Ayes—20.

Noes—2.

So the bill passed and title agreed to.

C. J. R. in regard to adjournment was then taken up.

Mr. White moved that it be read the first and second time.

Carried.

Resolution read first and second time by its title.

Mr. White moved that the resolution be read a third time for final passage.

Carried.

The resolution read, and the question being upon its final passage,

The ayes and noes were:

Ayes—Messrs. Garcia, Holland, Henson, Koontz, Kelley, Lynch, Marsh, McCannon, Nye, Sheldon, Stansell, White, Webster and Welton—14.

Noes—Messrs. Chever, Eames, Judd, Leeper, Ripley and Mr. Speaker—6.

Ayes—14.

Noes—6.

So the resolution passed, and title agreed to.

The Speaker appointed Messrs. White, Stansell and Lynch a special committee, in accordance with the resolution.

The Sergeant-at-arms announced a message from the Governor by his private Secretary, which was received and read, as follows:

Executive Department, C. T.,
Denver, March 11, 1864.

To the Hon. Jerome B. Chaffee, Speaker of the House of Representatives:

Sir: I have the honor to inform the House that I have this day approved and signed the following bills, certified to have originated therein, viz:

An act to incorporate the Central City and Idaho Wagon Road Company.

An act providing for the collection of taxes from new resident stock owners.

An act to incorporate the Central City and Montgomery Wagon Road Company.

An act creating a lien in favor of mechanics and others, in certain cases.

An act to incorporate the City of Black Hawk Gas Light Company, of Gilpin County, Colorado Territory.

Very respectfully,
Your obedient servant,
JOHN EVANS,
Governor of Colorado.

Mr. Marsh offered the following resolution, viz.:

Resolved, That this House do hereby tender a vote of thanks to the Honorable Jerome B. Chaffee, Speaker of the same, for his uniform kindness and courtesy towards the members thereof, and for the able and impartial manner in which he has presided over the deliberations of the same during the present session, and that this resolution be spread upon the journal of the House.

The ayes and noes being ordered and called, were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Lynch, Leeper, Koontz, Kelley, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon, Stansell, White, Webster, Welton and Woods—21.

Noes—0.

So the resolution was adopted.

Mr. Lynch moved to adopt the following resolution, viz:

Resolved, That we, the members of the Legislative Assembly of Colorado Territory, tender our most hearty and sincere thanks to B. B. Styles, Chief Clerk, L. L. Robinson, Assistant Clerk, Captain R. Sopris, Sergeant-at-Arms, C. C. Carpenter, Enrolling Clerk, and J. Walker, Engrossing Clerk of this House, for the very correct and and able manner in which they have discharged their respective duties.

The ayes and noes being ordered and called, were:

Ayes—Messrs. Chever, Eames, Garcia, Holland, Henson, Judd, Koontz, Kelley, Lynch, Leeper, Marsh, McCannon, Nye, Ortega, Ripley, Sheldon Stansell, White, Webster, Welton, Woods and Mr. Speaker—22.

Noes—0.

Resolution adopted.

Mr. White, chairman of the special committee to wait upon the Governor, reported verbally that they had discharged the duties assigned them, and presented the following communication from His Excellency, the Governor, viz:

Hon. Messrs. White, Stansell and Lynch, Committee of the House:

GENTLEMEN: You will please say to the House that I have no further official communication to make.

In parting, I desire to congratulate the members upon their harmonious and useful session, and to thank them for their uniform courtesy and kindness,

I have the honor to be,

Very respectfully your obedient servant,

JOHN EVANS,
Governor of Colorado.

On motion of Mr. White, the House then adjourned *sine die* according to law.

B. B. STILES,
Chief Clerk of the House.